

**[COMMITTEE PRINT]**

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**[Printed for the use of the Committee on Public Works]**

92d CONGRESS  
1st Session

**S.**

IN THE SENATE OF THE UNITED STATES

**A BILL**

To amend the Federal Water Pollution Control Act, as amended.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "National Water Quality
- 4 Standards Act of 1971".

**TITLE I—RESEARCH AND PROGRAMS**

- Sec. 101. Declaration of policy.*
- Sec. 102. Comprehensive programs for water-pollution control.*
- Sec. 103. Interstate cooperation and uniform laws.*
- Sec. 104. Research, investigations, training, and information.*
- Sec. 105. Grants for research and development.*
- Sec. 106. Grants for water pollution control programs.*
- Sec. 107. Area acid and other mine waste.*
- Sec. 108. Pollution in Great Lakes.*
- Sec. 109. Training grants and contracts.*
- Sec. 110. Application for training grant or contract.*
- Sec. 111. Award of scholarships.*
- Sec. 112. Definitions for sections 109-111.*
- Sec. 113. Alaska village.*

## DECLARATION OF POLICY

SECTION 1. (a) The Federal Water Pollution Control Act is amended to add a new title I.

(b) Section 1 of the Federal Water Pollution Control Act is redesignated as section 101.

(c) Section 101, as redesignated, is further amended (1) by striking the second and third sentences of subsection (b) and inserting "The Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act."; and

(2) (A) by inserting "(1)" after the word "to" and before the word "enhance" in subsection (a);

(B) by striking "and to" after the word "resources" and before the word "establish", in subsection (a).

(C) by striking the period at the end of subsection (a) and inserting in lieu thereof "to maintain the chemical, physical, and biological integrity of all waters, including lakes, streams, rivers, estuaries, and the oceans."

SEC. 2. Section 2 of the Federal Water Pollution Control Act is repealed.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION  
CONTROL

SEC. 3. (a) Section 3 of the Federal Water Pollution Control Act is redesignated as section 102.

(b) Section 102, as redesignated, is further amended

(1) by striking "Secretary" wherever it appears and inserting "Administrator"; and (2) by striking "interstate waters and tributaries thereof" in the first sentence of subsection (a) and inserting "interstate and intrastate waters and groundwaters"; and (3) by striking subsection (c).

#### INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. Section 4 of the Federal Water Pollution Control Act is redesignated as section 103.

#### RESEARCH, INVESTIGATIONS, TRAINING AND INFORMATION

SEC. 5. (a) Section 5 of the Federal Water Pollution Control Act is redesignated as section 104.

(b) Section 104, as redesignated, is further amended—

(1) by striking "Department of the Interior" wherever it appears and inserting "Environmental Protection Agency";

(2) by striking "Secretary" wherever it appears and inserting "Administrator,"

(3) by striking subsections (a), (b), and (c) and inserting the following:

SEC. 104. "(a) The Administrator shall establish national research and development programs for the prevention and control of water pollution and as part of such programs shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments,

1 training, demonstrations, surveys, and studies relating to  
2 the causes, effects, extent, prevention, and control of  
3 water pollution;

4 " (2) encourage, cooperate with, and render tech-  
5 nical services and provide financial assistance to water  
6 pollution control agencies and other appropriate public  
7 or private agencies, institutions, and organizations, and  
8 individuals, including the general public, in the conduct  
9 of such activities;

10 " (3) conduct investigations and research and make  
11 surveys concerning any specific problem of water pollu-  
12 tion in cooperation with any water pollution control  
13 agency with a view to recommending a solution to such  
14 problem, if he is requested to do so by such agency, or if,  
15 in his judgment, such problem may affect any commu-  
16 nity or communities in a State other than that in which  
17 the source of the matter causing or contributing to the  
18 pollution is located;

19 " (4) establish advisory committees composed of  
20 recognized experts in various aspects of water pollution  
21 and representatives of the public to assist in the examina-  
22 tion and evaluation of research progress and proposals  
23 and to avoid duplication of research.

24 " (5) in cooperation with the States, and their  
25 political subdivisions, and other Federal agencies estab-

1       lish, equip, and maintain a water quality surveillance  
2       system for the purpose of monitoring the quality of inter-  
3       state and intrastate waters, ground waters, the con-  
4       tiguous zone, and the oceans, and shall report on such  
5       quality in the report required under subsection (a) of  
6       section 514.

7       “(b) In carrying out the provisions of (a) of this sec-  
8       tion the Administrator is authorized to—

9               “(1) collection and make available, through publi-  
10       cations and other appropriate means, the results of and  
11       other information, including appropriate recommenda-  
12       tions by him in connection therewith, pertaining to such  
13       research and other activities;

14              “(2) cooperate with other Federal departments and  
15       agencies, with water pollution control agencies, with  
16       other public and private agencies, institutions, and orga-  
17       nizations, and with any industries involved, in the prep-  
18       aration and conduct of such research and other  
19       activities;

20              “(3) make grants to water pollution control agen-  
21       cies, to other public or nonprofit private agencies, in-  
22       stitutions, and organizations, and to individuals, for pur-  
23       poses stated in subsection (a) (1) of this section;

24              “(4) contract with public or private agencies,  
25       institutions, and organizations, and with individuals,

without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) :

"(5) provide training for, and make training grants to, personnel of water pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Environmental Protection agency and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to water pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of water pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known water pollutants. The Administrator is authorized to construct such facilities and staff and equip them as

1 he determines to be necessary to carry out his functions  
2 under this Act.”

3 (4) by striking “13” in the second sentence of sub-  
4 section (j) and inserting “312”;

5 (5) by striking “10 (c)” in the first sentence of  
6 paragraph (1) of subsection (l) and inserting “302 and  
7 303”.

8 (6) by adding a new subsection (m) as follows and  
9 renumber accordingly:

10 “ (m) (1) The Administrator shall, in an effort to pre-  
11 vent degradation of the environment from the disposal of  
12 waste oil, conduct a study of (A) the generation of waste oil,  
13 including quantities generated, the nature and quality of  
14 such oil, present collecting methods and disposal practices,  
15 and alternate uses of such oil; (B) the long-term, chronic  
16 biological effects of such waste oil; and (C) the potential  
17 market for such waste oils, including the economic and legal  
18 factors relating to the purchase of products made from such  
19 waste oils, the level of subsidy, if any, needed to encourage  
20 the purchase by public and nonprofit agencies of products  
21 from such waste oil, and the practicability of Federal pro-  
22 curement, on a priority basis, of products made from such  
23 waste oil. In conducting such study, the Administrator shall  
24 consult with and seek the cooperation of affected industries.

25 “ (2) The Administrator shall report the preliminary

1 results of such study to the Congress within six months of  
2 enactment of the National Water Quality Standards Act of  
3 1971 and shall file the final report within twelve months  
4 thereafter."

5 (6) by striking paragraph (4) of renumbered sub-  
6 section (n) and inserting the following:

7 "(A) The Administrator shall conduct research and  
8 investigations on devices, systems, incentives, and other meth-  
9 ods of reducing the rates of unnecessary water consumption  
10 for domestic and other purposes in order to reduce the re-  
11 quirements for, and the costs of, sewage and waste treat-  
12 ment services. Such research and investigations shall be  
13 directed so as to develop devices, systems, and methods capable  
14 of achieving the maximum reduction of unnecessary water  
15 consumption for domestic and other purposes.

16 "(B) The Administrator shall report the results of such  
17 studies and investigations to the Congress within one year  
18 of enactment of the National Water Quality Standards Act  
19 of 1971, and annually thereafter in the report required  
20 under section 514. Such report shall include recommenda-  
21 tions for any legislation that may be required to provide for  
22 the adoption and use of devices, systems, or other methods of  
23 reducing the rates of domestic and other water consumption.  
24 Such a report shall include an estimate of the benefits to be  
25 derived from adoption and use of such devices, systems, or



1 *other methods and also shall reflect estimates of any increase*  
 2 *in private, public, or other costs that would be occasioned*  
 3 *thereby.*

4 (7) by adding new subsection (o) as follows and  
 5 renumber accordingly:

6 " (o) In carrying out the provisions of subsection (a)  
 7 of this section the Administrator shall, in cooperation with  
 8 the Secretary of Agriculture, other Federal agencies and the  
 9 States, carry out a comprehensive study and research pro-  
 10 gram to determine new and improved methods of preventing  
 11 and abating water pollution from agriculture, including the  
 12 legal, economic, and other implications of the use of such  
 13 methods."

14 (8) by striking renumbered subsection (p) and  
 15 inserting the following:

16 " (p) There is authorized to be appropriated (1) not  
 17 to exceed \$65,000,000 for the fiscal year ending June 30,  
 18 1972, and for each fiscal year thereafter, for carrying out  
 19 the provisions of this section other than subsections (g) and  
 20 (o) and from such appropriation 10 per centum of the  
 21 amount appropriated in any fiscal year shall be expended  
 22 only for the purposes of subsection (f); (2) not to exceed  
 23 \$7,500,000 for the fiscal year ending June 30, 1972, for  
 24 carrying out the provisions of subsection (g) (1); (3) not  
 25 to exceed \$2,500,000 for the fiscal year ending June 30,

1 1972, for carrying out the provisions of subsection (g) (2) ;  
 2 and (4) not to exceed \$10,000,000 for the fiscal year end-  
 3 ing June 30, 1972, for carrying out the provisions of sub-  
 4 section (o) .

5 SEC. 6. Section 6 of the Federal Water Pollution Con-  
 6 trol Act is redesignated as section 105 and amended to read  
 7 as follows:

8 "GRANTS FOR RESEARCH AND DEVELOPMENT

9 "SEC. 105. (a) The Administrator is authorized to con-  
 10 duct in the Environmental Protection Agency, and to make  
 11 grants to any State, municipality, or intermunicipal or inter-  
 12 state agency for the purpose of assisting in the development  
 13 of—

14 " (1) any project which will demonstrate a new or  
 15 improved method of controlling the discharge into any  
 16 waters of untreated or inadequately treated sewage or  
 17 other wastes from sewers which carry storm water or  
 18 both storm water and sewage or other wastes; or

19 " (2) any project which will demonstrate advanced  
 20 waste treatment and water purification methods (in-  
 21 cluding the temporary use of new or improved chemical  
 22 additives which provide substantial immediate improve-  
 23 ment to existing treatment processes), or new or im-  
 24 proved methods of joint treatment systems for municipal  
 25 and industrial wastes;

1 and to include in such grants such amounts as are necessary  
2 for the purpose of reports, plans, and specifications in connec-  
3 tion therewith.

4       “(b) The Administrator is authorized to make grants to  
5 any State or interstate agency to demonstrate, in a single river  
6 basin or portion thereof, to demonstrate advanced pollution  
7 treatment and environmental enhancement techniques to con-  
8 trol pollution from runoff and other nonpoint sources, includ-  
9 ing in-stream water quality improvement techniques.

10       “(c) The Administrator shall review and approve or  
11 disapprove any research, survey, pilot, or demonstration pro-  
12 gram related to the preservation or control of water pollution,  
13 or waste treatment or disposal which is conducted, supported,  
14 or assisted by any Federal agency pursuant to any law or  
15 regulation.

16       “(d) The Administrator is authorized to make grants  
17 to persons for research and demonstration projects for pre-  
18 vention of pollution of waters by industry including, but  
19 not limited to, treatment of industrial waste

20       “(e) The Administrator is authorized to (1) make, in  
21 consultation with the Secretary of Agriculture, grants to  
22 persons for research and demonstration projects with respect  
23 to new and improved methods of preventing and abating  
24 water pollution from agriculture, and (2) disseminate, in  
25 cooperation with the Secretary of Agriculture, such informa-

tion obtained under this subsection and subsection (c) of section 104 as will encourage and enable the adoption of such methods in the agricultural industry.

“(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

“(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

“(2) No grant shall be made for any project in the amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Administrator; and

“(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

“(g) Federal grants under subsection (c) or (d) of this section shall be subject to the following limitations:

“(1) No grant shall be made in excess of \$1,000,000;

“(2) No grant shall be made for more than 70 per centum of the cost of the project; and

“(3) No grant shall be made for any project under subsection (c) unless the Administrator determines that

such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industrywide application.

“(h) For the purpose of this section there are authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (d).”.

#### GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) Section 7 of the Federal Water Pollution Control Act is redesignated as section 106.

(d) Section 106, as redesignated, is further amended to read as follows:

“Sec. 106. (a)(1) Beginning in fiscal year 1972 and each year thereafter, the Administrator, subject to the limitations of paragraph (2) of this subsection, is authorized to make grants to State water pollution control agencies and interstate agencies to assist such State and interstate agencies—

“(A) in developing and carrying out plans for the implementation, maintenance, and enforcement of water quality standards under this Act.”

"(B) in the training of water pollution control personnel of public agencies; and

"(C) in assisting designated non-adjacent regions under section 209 and other political subdivisions of a State, including intrastate basin agencies, in developing and carrying out effective water pollution control programs under this Act.

"(2) The Administrator shall make grants to any such State or interstate agency if the Administrator determines such State or interstate agency—

"(A) will make such reports, in such form and containing such information, as the Administrator may from time to time require, but at least annually, to carry out his functions under this Act;

"(B) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of such State or interstate water pollution control program under this act;

"(C) will employ a professional staff of trained personnel;

"(D) provides a balanced personnel recruitment program, job classification, and competitive salary schedules;

"(E) provides the development and maintenance of

planning capability including the capacity to evaluate  
river basin, regional, and metropolitan water quality  
plans; and

"(F) sets forth criteria used by the State in determining priority of projects as provided in section 303(a)(2)(J).

"(3) In the event the State or interstate agency is required by State law to be represented by a State law enforcement officer or agency in judicial proceedings to enforce water pollution control standards and implementation plans, such State or interstate agency shall transfer a portion of any grant under this section which represents the contribution of the law enforcement officer or agency to the water pollution control program of the State or interstate agency. Such transferred portion shall be matched by the State law enforcement officer or agency in the same manner as the State or interstate agency matches the basic grant.

"(4) No grant shall be made for any fiscal year after June 30, 1972, unless the Administrator determines that such grant will be used to supplement, and to the extent practicable, increase the level of State, local, or other non-Federal funds that in the absence of such grant, be made available for the maintenance of such program and will in no event supplant such State, local, or other non-Federal

1 funds and the State is making adequate progress in develop-  
2 ing or carrying out an implementation plan.

3       “(b)(1) From the sums available therefor in the fiscal  
4 year ending June 30, 1972, under subsection (d) and for  
5 each succeeding fiscal year thereafter, the Administrator  
6 shall from time to time make allotments to the several States,  
7 in accordance with regulations promulgated by him, on  
8 the basis of population and the number of waste treatment  
9 regions designated under section 209 of this Act in such  
10 State. The population of the several States shall be deter-  
11 mined on the basis of the latest figures furnished by the  
12 Department of Commerce.

13       “(2) From the allotment of each State made under para-  
14 graph (1) of this subsection for any fiscal year, the Admin-  
15 istrator shall make grants to such State in an amount equal to  
16 its Federal share (as determined under this subsection) of the  
17 cost of carrying out the State program of pollution control  
18 under this Act.

19       “(3) The basic Federal share for any State for (i)  
20 fiscal year 1972 shall be equal to 50 per centum of the total  
21 State program costs of fiscal year 1971; and (ii) fiscal years  
22 1973 and following shall be a sum equal to its allocable share  
23 of the amount appropriated under subsection (d)(1) in such  
24 fiscal year.

25       “(c) The basic Federal share under subsection (b)(3)



shall be carried by the parent and to cover all per centum  
of such basic share, in order to carry out duties imposed on  
States as a result of section 209, section 302, section 303,  
section 304, and section 401, and any other legal provisions  
under sections 306, 307, and 308.

“(d)(1) There are hereby authorized to be appropriated,  
to remain available until expended, to carry out the pur-  
poses of subsections (a) and (b) of this section \$30,000,000  
for the fiscal year ending June 30, 1972, and each fiscal year  
thereafter.

“(2) There are hereby authorized to be appropriated, to  
remain available until expended, to carry out the purposes  
of subsection (c) of this section \$15,000,000 for the fiscal  
year ending June 30, 1972, and each fiscal year thereafter.

“(e) From the sums available therefor for the fiscal  
year ending June 30, 1972, and for each succeeding fiscal  
year thereafter, the Administrator shall from time to time  
make allotments to interstate agencies, in accordance with  
the regulations, to be prescribed by him, on such basis as the  
Administrator finds reasonable and equitable. He shall from  
time to time pay to each such agency from its allotment, an  
amount equal to such portion of the cost of carrying out its  
program of pollution control under this Act as may be de-  
termined in accordance with such regulations. The regulations  
relating to the portion of the cost of carrying out a plan of

an interstate agency which shall be borne by the United States shall be designed to place such agency, so far as practicable, on the basis similar to that of the States."

#### AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

SEC. 8. (a) Section 14 of the Federal Water Pollution Control Act is redesignated as section 107.

(b) Section 107, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator"; and

(c) Redesignated section 107(a) is further amended by changing the period at the conclusion of the last sentence to a comma and by adding the following new language: "including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent water pollution from acid, sedimentation, or other water pollutants and to restore the lands on which such projects are located to usefulness for forestry, agriculture, recreation, or other beneficial uses."

#### POLLUTION CONTROL IN GREAT LAKES

SEC. 9. (a) Section 15 of the Federal Water Pollution Control Act is redesignated as section 108.

(b) Section 108, as redesignated, is further amended by

1 striking "Secretary" wherever it appears and inserting "Ad-  
 2 ministrator".

#### 3 TRAINING GRANTS AND CONTRACTS

4 SEC. 10. (a) Section 16 of the Federal Water Pollution  
 5 Control Act is redesignated as section 109.

6 (b) Section 109, as redesignated, is further amended by  
 7 striking "Secretary" wherever it appears and inserting "Ad-  
 8 ministrator".

#### 9 APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLO- 10 CATION OF GRANTS OR CONTRACTS

11 SEC. 11. (a) Section 17 of the Federal Water Pollution  
 12 Control Act is redesignated as section 110.

13 (b) Section 110, as redesignated, is further amended  
 14 (1) by striking "Secretary" wherever it appears and in-  
 15 serting "Administrator"; (2) by striking "16" in the first  
 16 sentence of subsection (1) and inserting "109"; (3) by  
 17 striking "16" and "18" in paragraph (A) of subsection (1)  
 18 and inserting "109" and "111" respectively; and (4) by  
 19 striking "15" in subsection (2) and inserting "109".

#### 20 AWARD OF SCHOLARSHIPS

21 SEC. 12. (a) Section 18 of the Federal Water Pollution  
 22 Control Act is redesignated as section 111.

23 (b) Section 111, as redesignated, is further amended by  
 24 striking "Secretary" wherever it appears and inserting "Ad-  
 25 ministrator".

# DEFINITIONS AND AUTHORIZATIONS

SEC. 13. (a) Section 19 of the Federal Water Pollution Control Act is redesignated as section 112.

(b) Section 112, as redesignated, is further amended (1) by striking "Secretary" wherever it appears and inserting "Administrator"; and (2) by striking "16" and "19" in subsections (1) and (2) and inserting "109" and "112" respectively.

## ALASKA VILLAGE DEMONSTRATION PROJECTS

SEC. 14. (a) Section 20 of the Federal Water Pollution Control Act is redesignated as section 113.

(b) Section 113, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator".

## TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Sec. 201. Purpose.

Sec. 202. Federal share.

Sec. 203. Plans, specifications, and estimates.

Sec. 204. Limitations and conditions.

Sec. 205. Allocation.

Sec. 206. Reimbursement.

Sec. 207. Authorization.

Sec. 208. Disbursement.

Sec. 209. Regional waste treatment management.

Sec. 210. Definitions.

SEC. 15. (a) The Federal Water Pollution Control Act is amended to add a new title II.

(b) Section 8 of the Federal Water Pollution Control Act is redesignated as section 201

(c) Section 201, as redesignated, is further amended to read as follows.

“PURPOSE

“SEC. 201. (a) It is the purpose of this title to provide effective and economical means of waste treatment management to assure attainment and maintenance of water quality standard.

“(b) To achieve this purpose, waste treatment management plans shall be developed and implemented and shall provide

“(1) as a first priority, recycling of pollutants and the reclamation of water,

“(2) as a second priority, confined and contained disposal on land of pollutants so they will not migrate to cause (or will limit to the maximum extent attainable) water, or other environmental pollution; and

“(3) as a third priority, the best available treatment of pollutants before discharge into receiving waters.

“(c) Waste treatment management shall to the extent possible, and as required by section 209, be on a regional basis and provide control or treatment of:

“(1) all point sources of pollution, within each region, including municipal sewage and storm sewer outfalls; industrial outfalls, including thermal discharges; and sewage from vessels,

“(2) to the extent practicable, nonpoint sources of water pollution including urban and rural runoff, acid and other mine drainage, construction runoff and salt water intrusion; and

“(3) to the extent practicable, in-place or accumulated pollution sources including bottom loads, sludge banks, and harbor dredgings.

“(d)(1) Beginning in fiscal year 1972, the Administrator, in accordance with the priorities established under subsection (b) is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works to provide for the treatment of sewage and other wastes of any kind or description to achieve the purposes of this Act.

“(2) Beginning in fiscal year 1974, the Administrator shall not make grants to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works in a region designated under section 209 for implementing priorities other than (1) and (2) of subsection (b) unless the regional planning agency has satisfactorily demonstrated to the Administrator that—

“(A) alternative waste management techniques will achieve a higher level of water quality at a more reasonable cost over the life of the works; or

“(B) soil conditions, ground water quality, land

*availability or other physical factors require such alternative waste management techniques.*

(d) Title II of the Federal Water Pollution Control Act as added by this section is further amended to add nine new sections as follows:

#### "FEDERAL SHARE

"SEC. 202. The amount of any grant for approved treatment works under this Title shall be 60 per centum of the estimated reasonable cost (as determined by the Administrator) thereof; except, that the amount of such grant shall be increased to 75 per centum of such estimated reasonable cost if the State agrees to pay, by grant, not less than 15 per centum of the cost of any treatment works constructed in such State.

#### "PLANS, SPECIFICATIONS, AND ESTIMATES

"SEC. 203. Each State shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project included in, or to be included in, an approved implementation plan under section 303. The Administrator shall act upon plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution. In taking such action, the Administrator shall be guided by the provisions of section 204 of this title

## LIMITATIONS AND CONDITIONS

"Sec. 204. (a) Before approving grants for any treatment works under section 202 the Administrator shall determine—

"(1) that such works are included in any applicable comprehensive river basin plan developed under section 304 of this Act;

"(2) that such works are, or will be, in conformity with the State implementation plan approved under section 303 of this Act;

"(3) that such works (A) have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with State implementation plan, approved, or to be approved, under section 303 of this Act, and (B) have qualified, or will qualify, for a permit under section 402 of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the remaining non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control



agency or, as appropriate, the interstate agency, after construction thereof; and *for the stated purpose.*

"(5) that such works will provide effective treatment of <sup>sewage</sup> wastes prior to discharge thereof including the use of new or improved treatment systems, processes, and procedures, at the most economic cost, over the estimated reasonable life of the project;

"(6) that the applicant has agreed to, and will accept for treatment, any industrial wastes which conform to effluent standards and pretreatment standards under section 307 and other requirements necessary for water quality management, including requirements to monitor and report on the volume, character, and rate of flow of such industrial wastes;

"(7) that the applicant has received a contractual commitment from each industrial user whose waste load is taken into consideration in the preparation of the plans, specifications, and estimates of a proposed project, that such industrial user will bear that proportion of the project's costs which are allocable to such wasteload; and

"(8) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity shall be determined by the Administrator on the basis of a comparison of the cost of constructing such

reserves as a part of the works to be provided and the anticipated cost of providing expanded capacity at a date when such capacity will be required.

“(b)(1) Notwithstanding any other provision of this title, before approving grants for any treatment works under section 202, the Administrator shall determine that each applicant (i) has adopted or will adopt a system of charges to assure that by July 1, 1973, each category of recipients of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay the costs of operation, maintenance, expansion, and replacement of any waste treatment services provided by the applicant; (ii) has made provision for the full recovery by such applicant from the industrial users of the project, of that portion of the estimated reasonable cost of construction of such project (as determined by the Administrator) which is allocable to the treatment of such industrial wastes; (iii) has demonstrated to the satisfaction of the Administrator, through the provision of reserve funds, financial commitments, or other means, the ability of the applicant to provide for the operation, maintenance, expansion, and replacement of existing and ~~future~~ treatment works; and (iv) has legal, institutional, managerial, and financial capability to insure adequate construction operation, maintenance, expansion, and replacement of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

“(2) The Administrator shall, within ninety days after enactment of this Act, promulgate regulations applicable to payment of waste treatment costs by industrial and non-industrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

“(3) No new source, the construction of which is commenced after January 1, 1972, shall be allowed to connect to any treatment works assisted by a grant made pursuant to this Act, unless the owner or operator of such new source agrees to repay that portion of the cost of construction of such works attributable to such new source.

“(4) Revenues derived from the recovery of costs from industrial users of sewage treatment services, to the extent costs are apportionable to the Federal share of eligible project costs provided pursuant to this title, as determined by the Administrator, shall be transmitted to the Administrator and deposited by him in the fund established under subsection (c) of this section.

No new sources which will use the services of a treatment works constructed with funds authorized for any fiscal year beginning after June 30, 1972, shall be allowed to connect to such treatment works unless the owner or operator of such new source agrees to repay that portion of the cost of construction of such works attributable to such new source.

“(f) There is hereby established in the Treasury Fund  
to carry out the provisions of paragraph (3) of subsection  
(1) of section 301 and subsection (g) of section 304.

#### “ALLOCATION

“Sec. 205. (a) All sums in excess of \$100,000,000  
authorized to be obligated pursuant to section 207 for each  
fiscal year shall be allotted by the Administrator, in accord-  
ance with regulations promulgated by him, in the ratio that  
the population of each State bears to the population of all  
the States.

“(b) (1) Sums allotted to a State under subsection (a)  
which are not obligated (A) for fiscal year 1972, within  
12 months following date of enactment, and (B) for fiscal  
years 1973 and following, within six months following the  
date of such allotment, because of a lack of treatment works  
approved by the State water pollution control agency and  
certified as entitled to priority, shall be reallocated by the  
Administrator, in accordance with regulations promulgated  
by him, with priority in such reallocation to be given to States  
which pay, by grant, not less than 15 per centum of the costs  
of such works. Such reallocated sums shall remain available  
following the end of the fiscal year for which they were au-  
thorized for obligation.

“(2) Any sum made available to a State by reallocation  
under this subsection shall be in addition to any funds other-

1   wise allotted to such State for grants under this title during  
2   any fiscal year.

3       “(c) For the purpose of this section, (1) population  
4   shall be determined on the basis of the latest available figures  
5   as certified by the Secretary of Commerce, and (2) per  
6   capita income for each State and for the United States  
7   shall be determined on the basis of the average of the per  
8   capita incomes of the States and of the continental United  
9   States for the three most recent consecutive years for which  
10   satisfactory data are available from the Department of  
11   Commerce.”

#### 12                               “REIMBURSEMENT

13       “SEC. 206. (a) *Any treatment works on which con-*  
14   *struction was initiated in a State after June 30, 1966, and*  
15   *which was approved by the State water pollution control*  
16   *agency and which the Administrator finds meets the require-*  
17   *ments of section 8 of the Federal Water Pollution Control*  
18   *Act prior to the date of enactment of the National Water*  
19   *Quality Standards Act of 1971, but which was constructed*  
20   *without assistance under such section or which received such*  
21   *assistance in an amount less than 50 per centum of the cost*  
22   *of the project or projects, shall be eligible for payments in*  
23   *reimbursement of State or local funds used for such works*  
24   *prior to July 1, 1971. Such funds shall be allocated only for*  
25   *projects which have been approved for construction under this*

1 And one to whom indebtedness incurred to finance the local  
2 share of projects previously approved under this Act. The  
3 total amount of reimbursement to be received by a State,  
4 county, city or intermunicipal or interstate agency under  
5 this section shall not exceed the difference between the amount  
6 of such assistance, if any, received for such prior project or  
7 projects and 50 per centum of the cost of such project or  
8 projects.

(b) There is authorized to be appropriated \$\_\_\_\_\_

(c) \_\_\_\_\_ out the provisions of this section.

### ALUMINATION

(Sic. 207. (a) There is authorized to be appropriated to carry out the programs and activities under this title for fiscal year 1972, \$2,000,000,000.

(b) To finance the programs and activities under this title, the Administrator is authorized to incur obligations in the form of grant contracts in amounts aggregating (a) in fiscal year 1973 not to exceed \$3,000,000,000; (b) in fiscal year 1974 not to exceed \$3,000,000,000; (c) in fiscal year 1975 not to exceed \$3,000,000,000; and (d) in fiscal year 1976 not to exceed \$3,000,000,000. These amounts shall become available for obligation upon the first day of each such fiscal year and shall remain available until obligated. There are authorized to be appropriated for liquidation of obligations incurred under this subsection not to exceed \$3,000,000,000.

1 000,000 prior to July 1, 1973, which amount may be in-  
 2 creased to not to exceed an aggregate of \$6,000,000,000  
 3 prior to July 1, 1974, not to exceed an aggregate of  
 4 \$8,000,000,000 prior to July 1, 1975, and not to exceed  
 5 an aggregate of \$12,000,000,000 prior to July 1, 1976, and  
 6 not to exceed an aggregate of \$15,000,000,000 prior to  
 7 July 1, 1976. Funds so appropriated shall remain available  
 8 until expended.

#### 9 DISBURSEMENT

10 "SEC. 208. The Administrator shall make payments  
 11 under this title through the disbursing facilities of the Depart-  
 12 ment of the Treasury. Funds so paid shall be used exclusively  
 13 to meet the cost of construction of the treatment works for  
 14 which the amount was paid.

#### 15 "REGIONAL WASTE TREATMENT MANAGEMENT

16 "SEC. 209. (a)(1) *For the purpose of encouraging and*  
 17 *facilitating regional waste treatment and water quality man-*  
 18 *agement, the Administrator, within one hundred and eighty*  
 19 *days after the date of enactment of the National Water*  
 20 *Quality Standards Act of 1971 and after consultations with*  
 21 *appropriate Federal, State, and local authorities, shall iden-*  
 22 *tify and describe those standard metropolitan statistical areas*  
 23 *or combinations of such areas which, as a result of urban-*  
 24 *industrial concentrations or other factors, have significant*  
 25 *water quality control and abatement problems. The Admin-*



1    istrator shall immediately notify the Governor of the affected  
 2    State or States of any identification made under this sub-  
 3    section.

4       “(2) For the purpose of developing an areawide waste  
 5    treatment and water quality management plan for any area  
 6    identified and described by the Administrator as interstate  
 7    in nature, the Governors of the States involved may, after  
 8    consultation with representatives of local governments within  
 9    such area, designate an agency capable of recommending  
 10   such an areawide plan, which plan shall, at a minimum,  
 11   include those factors listed in subsection (b) of this section.

12       “(3) For the purpose of developing an areawide waste  
 13   treatment and water quality management plan for any area  
 14   identified and described by the Administrator as intrastate,  
 15   or, in the case of an interstate area where no agency required  
 16   by paragraph (2) of this subsection has been designated, the  
 17   Governor, within ninety days after notice under paragraph  
 18   (1), and after consultation with representatives of local gov-  
 19   ernments within such area, shall designate an organization  
 20   composed primarily of elected officials from the general pur-  
 21   pose local governments in such area (or portions of an inter-  
 22   state area) capable of developing such an areawide plan,  
 23   which plan shall at a minimum include those factors listed in  
 24   subsection (b) of this section.

25       “(b)(1) Any agency designated pursuant to subsection

1 (a) (2) or (3) of this section shall, within one year of such  
 2 designation, develop an areawide waste treatment and water  
 3 quality management plan applicable to all wastes generated  
 4 within the area involved.

5 “(2) Any such plan shall include—

6 “(A) the identification and location of the waste  
 7 treatment works needs of the region over a twenty-year  
 8 period;

9 “(B) the establishment of construction priorities  
 10 for such work consistent with the State implementation  
 11 plan and time schedules for the initiation and completion  
 12 of all treatment works;

13 “(C) the designation of the treatment works neces-  
 14 sary to meet the anticipated municipal and industrial  
 15 waste treatment needs of the area, including require-  
 16 ments for the acquisition of land for treatment purposes;  
 17 the necessary waste water collection and urban storm  
 18 runoff systems; and a program to provide the neces-  
 19 sary financial arrangements for the development of such  
 20 treatment works; and

21 “(D) the establishment of a waste discharge permit  
 22 system to regulate (i) the discharge from any source of  
 23 pollutants within such area into any interstate or intra-  
 24 state waters and (ii) the location and construction of

1       any new facilities within such region which may result  
2       in any discharge.

3       “(c)(1) The Secretary of the Army acting through the  
4       Chief of Engineers, in cooperation with the Administrator,  
5       is authorized, upon request, to consult with, and provide  
6       assistance to, any agency designated under subsection (a)  
7       of this section in the development of waste management plans  
8       under subsection (b) of this section.

9       “(2) In connection with such consultation and assist-  
10      ance to any such designated agency, the Secretary of the  
11      Army is authorized to expend an amount equal to 75 per  
12      centum of the costs of developing alternative waste manage-  
13      ment plans under subsection (b) of this section, but in no  
14      event more than \$1,000,000 in any such designated region.

15      “(3) There is authorized to be appropriated to the Secre-  
16      tary of the Army not to exceed \$150,000,000 for the Fed-  
17      eral share of planning costs under this subsection.

18      “(d)(1) The Governor of each State, in consultation  
19      with the planning agency designated under subsection (a),  
20      whenever he deems appropriate but prior to January 1,  
21      1974, shall designate one or more waste treatment manage-  
22      ment agencies for each area identified and described in para-  
23      graph (1) of subsection (a) and submit a list of such designa-  
24      tions to the Administrator.

25      “(2) The Administrator shall approve any such design-

1 *nation within sixty days after approval by him of any imple-*  
 2 *mentation plan under section 303 applicable to such region or*  
 3 *regions unless he finds that—*

4 *the designated management agency (or agencies) is*  
 5 *not authorized—*

6 *“(A) and empowered to manage effectively*  
 7 *waste treatment works and related facilities serving*  
 8 *such area in conformance with any plan required*  
 9 *by subsection (b);*

10 *“(B) directly or by contract, to design and con-*  
 11 *struct new works, and to operate and maintain new*  
 12 *and existing works as required by any plan developed*  
 13 *pursuant to subsection (b);*

14 *“(C) to accept and utilize grants, or other*  
 15 *funds from any source, for waste treatment man-*  
 16 *agement purposes;*

17 *“(D) to raise revenues, including the assessment*  
 18 *of waste treatment charges;*

19 *“(E) to incur short- and long-term indebted-*  
 20 *ness;*

21 *“(F) to refuse to receive any wastes from any*  
 22 *municipality or subdivision thereof, which does not*  
 23 *comply with any provision of an approved pro-*  
 24 *gram under section 304 applicable to such region;*  
 25 *and*

“(G) to accept for treatment, any industrial wastes which conform to effluent standards and pretreatment standards under section 307 and other requirements necessary for water quality management, including requirements to monitor and report on the volume, character, and rate of flow of such industrial wastes,

“(B) The Administrator shall approve any revision of any designated region, at any time, in the same manner as required for the initial designation.

“(c) After July 1, 1974, the Administrator shall not make any grant other than to the designated management agency or agencies or their delegates for the construction of treatment works in any region for which a designation has been approved under this section and unless such works to be assisted are in conformance with a plan developed pursuant to subsection (b).

“(f) After July 1, 1974, no permit shall be issued under section 402 for any discharge in any designated region which is not in conformance with a plan developed pursuant to subsection (b) and has a permit under subsection (b)(4) of this section.

“(g)(1) In any case in which the Secretary of the Army (hereafter in this subsection called Secretary), is requested by a Governor of any State to acquire lands or

1 *interests in lands required by such State for the prosecution*  
 2 *of any treatment works project under this Act the Secretary*  
 3 *is authorized, in the name of the United States and prior to*  
 4 *the approval of title by the Attorney General, to acquire, enter*  
 5 *upon, and take possession of such lands or interests in lands*  
 6 *by purchase, donation, condemnation, or otherwise in accord-*  
 7 *ance with the laws of the United States (including the Act*  
 8 *of February 26, 1931; 46 Stat. 1421), if—*

9       “(A) *the Secretary has determined either that the*  
 10       *State is unable to acquire necessary lands or interest in*  
 11       *lands, or is unable to acquire such lands or interests in*  
 12       *lands with sufficient promptness; and*

13       “(B) *the Governor has agreed with the Secretary to*  
 14       *pay, at such time as may be specified by the Secretary, an*  
 15       *amount equal to 2½ per centum of the costs incurred by*  
 16       *the Secretary in acquiring such lands or interests in*  
 17       *lands.*

18       “(2) *The authority granted by this section shall also*  
 19       *apply to lands and interests in lands received as grants of*  
 20       *land from the United States and owned or held by railroads*  
 21       *or other corporations.*

22       “(3) *The costs incurred by the Secretary in acquiring*  
 23       *any such lands or interests in lands may include the cost of*  
 24       *examination and abstract of title, certificate of title, advertis-*  
 25       *ing, and any fees incidental to such acquisition. All costs in-*

1 *incurred by the Secretary in connection with the acquisition of*  
 2 *any such lands or interests in lands shall be paid from the*  
 3 *funds for construction of treatment works allocated to the*  
 4 *State upon the request of which such lands or interests in*  
 5 *lands are acquired, and any sums paid to the Secretary by*  
 6 *such State as its share of the costs of acquisition of such lands*  
 7 *or interests in lands shall be deposited in the Treasury to the*  
 8 *credit of the appropriation for treatment works and shall be*  
 9 *credited to the amount allocated to such State as its allocation*  
 10 *of funds for construction of treatment works or shall be*  
 11 *deducted from other moneys due the State for reimbursement*  
 12 *from funds authorized to be appropriated under section 206.*

13       “(A) The Secretary is further authorized and directed  
 14 *by proper deed, executed in the name of the United States,*  
 15 *to convey any such lands or interests in lands acquired in*  
 16 *any State under the provisions of this section, to the State*  
 17 *upon such terms and conditions as to such lands or interests*  
 18 *in lands as may be agreed upon by the Secretary and the*  
 19 *State to which the conveyance is to be made.*

20       “(b)(1) Whenever lands or interests in lands owned  
 21 *by the United States are required, the Administration may*  
 22 *make such arrangements with the agency having jurisdic-*  
 23 *tion over such lands as may be necessary to give the State*  
 24 *or other person constructing the projects on such lands title*  
 25 *to such lands in accordance with paragraph (b) of this sub-*

1 *section and adequate rights-of-way and access thereto from*  
2 *adjoining lands, and any such agency is directed to cooperate*  
3 *with the Secretary in this connection.*

4       “(2)(A) *If the Administrator determines that any part*  
5 *of the lands or interests in lands owned by the United States*  
6 *is reasonably necessary for treatment works under this Act,*  
7 *the Administrator shall file with the Secretary of the Depart-*  
8 *ment supervising the administration of such lands or inter-*  
9 *ests in lands a map showing the portion of such lands or in-*  
10 *terest in lands, which it is desired to appropriate.*

11       “(B) *If within a period of four months after such filing,*  
12 *the Secretary of such Department shall not have certified to*  
13 *the Administrator that the proposed appropriation of such*  
14 *land or material is contrary to the public interest or inconsis-*  
15 *ent with the purposes for which such land has been reserved,*  
16 *or shall have agreed to the appropriation and transfer under*  
17 *conditions which he deems necessary for the adequate protec-*  
18 *tion and utilization of the reserve, then such land may be*  
19 *appropriated and transferred to the State, or its nominee,*  
20 *for such purposes and subject to the conditions so specified.*

21       “(C) *If at any time the need for any such lands for*  
22 *such purposes shall no longer exist, notice of the fact shall*  
23 *be given by the State to the Administrator and such lands*  
24 *shall immediately revert to the control of the Secretary of*  
25 *the Department from which they had been appropriated.*



1       “(i) The provisions of subsections (g) and (h) of this  
 2       section shall apply only to projects constructed under the  
 3       provisions of title 11 of this Act.

4                               “DEFINITIONS

5       “SEC. 210. As used in this title—

6       “(a) The term ‘construction’ includes (1) preliminary  
 7       planning to determine the economic and engineering fea-  
 8       sibility of treatment works, the engineering, architectural,  
 9       legal, fiscal, and economic investigations and studies, surveys,  
 10      designs, plans, working drawings, specifications, procedures,  
 11      and other actions necessary to the construction of treatment  
 12      works; (2) the erection, building, acquisition, alteration,  
 13      remodeling, improvement or extension of treatment works;  
 14      and (3) the inspection and supervision of the construction of  
 15      treatment works.

16      “(h) The term ‘treatment works’ means (1) any devices  
 17      and systems used in the storage, treatment, recycling, and  
 18      reclamation of municipal sewage or industrial wastes of  
 19      a liquid nature necessary prior to the discharge thereof into  
 20      any waters or otherwise, to meet applicable water quality  
 21      standards or to recycle or reuse water at the most economical  
 22      cost over the estimated reasonable life of the works, including  
 23      intercepting sewers, outfall sewers, pumping, power, and  
 24      other equipment, and their appurtenances; extensions, im-  
 25      provements, remodeling, additions, and alterations thereof;

1 and any works, including site acquisition of the land that  
 2 will be an integral part of the treatment process or is used  
 3 for ultimate disposal of residues resulting from such treat-  
 4 ment, as determined by the Administrator.

5       “(2)(A) Any other method for preventing, abating, re-  
 6 ducing, storing, treating, separating, or disposing of municipi-  
 7 pal waste, including storm water runoff, or industrial wastes  
 8 determined by the Administrator in accordance with guide-  
 9 lines published by him pursuant to clause (B) of this para-  
 10 graph, to be required by an approved plan for the im-  
 11 plementation of the national water quality standard, or to  
 12 comply with an enforcement action under this Act.

13       “(B) For the purposes of clause (A) of this paragraph,  
 14 the Administrator shall, within ninety days after enactment  
 15 of this Act, publish and thereafter revise no less often than  
 16 annually, guidelines for the evaluation of methods, including  
 17 cost-effective analysis, described in clause (A) of this para-  
 18 graph.

19       “(C) The Administrator shall include in the report  
 20 under section 504 a description of the methods assisted under  
 21 this paragraph.”

### TITLE III—STANDARDS AND ENFORCEMENT

Sec. 301. Water quality information.

Sec. 302. Water quality standards.

Sec. 303. Implementation plans.

Sec. 304. Nonpoint source controls, basin plans, and lake reclamation.

Sec. 305. Federal approval and promulgation.

Sec. 306. National uniform standards of performance for new sources.

Sec. 307. Toxic and pretreatment effluent standards.

Sec. 308. Inspections, monitoring and entry.  
 Sec. 309. Federal enforcement.  
 Sec. 310. International pollution.  
 Sec. 311. Oil and hazardous substances pollution.  
 Sec. 312. Sewage from vessels.  
 Sec. 313. Federal activities.

1        SEC. 16. (a) The Federal Water Pollution Control Act  
 2        is amended to add a new title III.

3        (b) Section 10 of the Federal Water Pollution Control  
 4        Act is redesignated as section 301.

5        (c) Section 301, as redesignated, is further amended to  
 6        read as follows:

7                                "WATER QUALITY INFORMATION - *SECRET*

8        "SEC. 301. (a) Water quality standards, and imple-  
 9        mentation plans established pursuant to this Act shall have  
 10       the purpose of protecting and improving the public health  
 11       and welfare, protecting and enhancing the quality of the Na-  
 12       tion's waters for the benefit and enjoyment of present and  
 13       future generations of Americans, and otherwise serving the  
 14       purposes of this Act.

15       " (b) Each State shall have the primary responsibility  
 16       for assuring water quality within the entire geographic area  
 17       comprising such State by adopting and submitting under  
 18       sections 303 and 304 implementation plans for such State  
 19       to specify the manner in which water quality standards will  
 20       be achieved, and maintained, and water quality enhanced  
 21       within such State.

22       " (c) Public participation and participation by the States

in the development, revision, and enforcement of water quality standards and implementation plans at all levels of government shall be provided for, encouraged, and assisted by the Administrator and the States and, to that end, the Administrator shall develop and publish regulations specifying minimum standards for public participation in such processes.

*“(d) The Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, develop and publish, within ninety days after the effective date of this subsection, criteria of water quality for the purpose of adopting or revising water quality standards. Such criteria shall (1) accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plantlife, shorelines, beaches, aesthetics, recreation, and economics which may be expected from the presence of pollutants in any body of water, including ground water, in varying quantities and correlated to the national minimum water quality standard; (2) include information on the effects of the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes and on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting rates of eutrophication and organic and inorganic sedi-*

1    *mentation for varying types of receiving waters; (3) include*  
2    *information on the measurement and classification of water*  
3    *quality; (4) include information regarding factors relating*  
4    *to establishing effluent limitations necessary to achieve the*  
5    *national water quality standard including an identification*  
6    *of pollutants suitable for maximum daily load measurement,*  
7    *and (5) include information necessary to maintain the chem-*  
8    *ical, physical and biological integrity of all waters, including*  
9    *lakes, streams, rivers, estuaries, and the oceans. Such criteria,*  
10    *and revisions thereof, shall be issued to the States and shall*  
11    *be published in the Federal Register and otherwise shall be*  
12    *made available to the public.”*

13        “(e) The Administrator shall, after consultation with ap-  
14    propriate Federal and State agencies and other interested  
15    persons, issue to the States and appropriate water pollution  
16    control agencies from time to time information on available  
17    pollution control techniques including information on proc-  
18    esses, procedures, and operating methods which result in the  
19    reduction of the discharge of pollutants. Such information  
20    shall include technical data relating to, and costs of such  
21    methods and such data as are available on alternative meth-  
22    ods of prevention and control of water pollution. Such infor-  
23    mation, and revisions thereof, shall be published in the Fed-  
24    eral Register and otherwise shall be made available to the  
25    public.

1       “(1) (1) The Administrator shall, after consultation  
 2       with appropriate Federal and State agencies and other in-  
 3       terested persons issue to the States and appropriate water  
 4       pollution control agencies, within six months after the effec-  
 5       tive date of this paragraph, and from time to time there-  
 6       after, information on processes, procedures, and methods,  
 7       to control water pollution resulting from—

8               “(A) agriculture activities including runoff from  
 9       fields, crop, and forest lands;

10              “(B) mining activities, including strip and acid  
 11       mine runoff;

12              “(C) all construction activity, including runoff  
 13       from the facilities resulting from such construction;

14              “(D) the disposal of materials in wells or sub-  
 15       surface excavations; and

16              “(E) salt water intrusion resulting from reductions  
 17       of fresh water flow from any cause including irrigation,  
 18       obstruction, and diversion.

19       Such information, and revisions thereof, shall be published  
 20       in the Federal Register and otherwise shall be made available  
 21       to the public.

22       “(2) The Administrator shall within six months after  
 23       the effective date of this paragraph, and from time to time  
 24       thereafter, issue such information on methods, procedures,  
 25       and processes as may be appropriate to restore and enhance

1 the quality of the Nation's publicly owned fresh water lakes.

2       “(3)(A) The Administrator shall, within six months  
3 from the date of enactment of the National Water Quality  
4 Standards Act of 1971 enter into agreements with the Sec-  
5 retary of Agriculture, the Secretary of the Army, and the  
6 Secretary of the Interior to provide for the maximum utiliza-  
7 tion of the appropriate programs authorized under other  
8 Federal law to be carried out by such Secretaries for the  
9 purpose of achieving and maintaining water quality through  
10 appropriate implementation programs approved under section  
11 304 of this Act.

12       “(B) The Administrator, pursuant to any agreement  
13 under clause (A) of this paragraph, is authorized to transfer  
14 to the Secretary of Agriculture, the Secretary of the Army,  
15 or the Secretary of the Interior (i) any funds appropriated  
16 under clause (C) of this paragraph, or (ii) any funds re-  
17 ceived by the Administrator pursuant to section 204(h) of  
18 this Act to supplement any funds appropriated to carry out  
19 appropriate programs authorized to be carried out by such  
20 Secretaries.

21       “(C) There is authorized to be appropriated to carry  
22 out the provisions of this paragraph, \$———— for the  
23 fiscal year ending June 30, 1973, and each fiscal year there-  
24 after.

## "WATER QUALITY STANDARDS"

"Sec. 302. (a) The objective of this act is the maintenance of the chemical, physical, and biological integrity of all waters, including lakes, streams, rivers, estuaries, and the oceans.

"(b) In order to further that objective:

"(1) there shall be implemented for all waters of the Nation a standard of water quality which at a minimum provides for protection of public health and implements applicable water quality standards under this section not later than January 1, 1975;

"(2) there shall be achieved for all the Nation's waters, unless otherwise provided, a standard of water quality which shall provide for the protection of a balanced population of shellfish, fish, and wildlife, and shall allow recreational activities on the water ~~use~~, whenever natural physical characteristics permit, in the water, ~~no~~ later than January 1, 1980.

"(c) Any pending or approved water quality standards and implementation plans applicable to interstate waters adopted by any State and submitted to the Administrator pursuant to the Federal Water Pollution Control Act prior to enactment of the National Water Quality Standards Act of 1971 shall remain in effect, unless the Administrator



determines that such standards and plans, or any portions thereof, are not consistent with the applicable requirements of the Federal Water Pollution Control Act and will not protect the public health or will not be implemented by January 1, 1975. If the Administrator so determines, he shall, within three months after date of enactment of the National Water Quality Standards Act of 1971, notify the State and specify in what respects changes are needed to meet such requirements. If such changes are not adopted by the State within three months after such notification, the Administrator shall promulgate such changes pursuant to section 305 of this Act.

“ (d) Any State which has adopted pursuant to its own law prior to enactment of the National Water Quality Standards Act of 1971, water quality standards and implementation plans applicable to intrastate waters shall submit such standards and plans to the Administrator within thirty days after enactment of the National Water Quality Standards Acts of 1971. Such standards and plans shall remain in effect as if established under this Act unless the Administrator determines that such standards and plans, or any portion thereof, are inconsistent with the applicable requirements of the Federal Water Pollution Control Act, will not protect the public health, or will not be implemented by January 1, 1975. If the Administrator so determines, he shall, within four months of the date required for such submission of such

1 standards, notify the State and specify in what respects  
 2 changes are needed to meet such requirements. If such  
 3 changes are not adopted by the State after public hearings  
 4 and within three months after such notification, the Admin-  
 5 istrator shall promulgate such changes pursuant to section  
 6 305 of this Act.

7 " (c) (1) Any State which has not adopted pursuant to  
 8 its own law prior to enactment of the National Water Quality  
 9 Standards Act of 1971, water quality standards and plans  
 10 applicable to intrastate waters shall within one hundred and  
 11 eighty days of the date of enactment, and after public hear-  
 12 ings adopt and submit such standards and plans to the  
 13 Administrator.

14 " (2) If the Administrator determines that such stand-  
 15 ards and plans or any portion thereof, are not consistent with  
 16 the applicable requirements of the Federal Water Pollution  
 17 Control Act, will not protect public health, or will not be  
 18 implemented by January 1, 1975, he shall, within three  
 19 months of the date required for submission of such standards  
 20 and plans, notify the State and specify in what respects  
 21 changes are needed to meet such requirements. If such  
 22 changes are not adopted by the State after public hearings  
 23 and within three months after such notification, the Ad-  
 24 ministrator shall promulgate such standards pursuant to  
 25 section 305.

1       “(f) (1) For purposes of this section the term ‘imple-  
 2       mentation plans’ shall mean effluent limitations, monitoring  
 3       requirements (including procedures to make information  
 4       available to the public), and schedules and timetables of  
 5       compliance.

6       “(2) Nothing in this section shall be construed to affect  
 7       any effluent limitation, monitoring requirement or schedule  
 8       or timetable of compliance required by any state to be imple-  
 9       mented earlier than January 1, 1975, nor to preclude any  
 10      State from requiring compliance with any effluent limitation,  
 11      monitoring requirement or schedule or timetable of compli-  
 12      ance at a date earlier than such date.

13      “(3) The Administrator shall approve that portion of  
 14      any plan which provides for use of a municipal treatment  
 15      works (construction of which is to be completed after Jan-  
 16      uary 1, 1975) by an industrial source if he determines—

17              “(A) that such source will comply with any re-  
 18              quirement of section 307; and

19              “(B) that such treatment works will have been  
 20              completed and in operation prior to January 1, 1976.”

#### 21                              “IMPLEMENTATION PLANS

22              “*Sec. 303. (a)(1) Each State shall, after reasonable*  
 23              *notice and public hearings, adopt and submit to the Adminis-*  
 24              *trator, prior to January 1, 1974, a plan which provides for*  
 25              *implementation, maintenance, and enforcement of the national*

1 *water quality standard for all interstate and intrastate waters*  
 2 *in such State except as provided under subsection (c) of*  
 3 *this section.*

4       “(2) The Administrator shall, within six months after  
 5 the date required for submission of a plan under paragraph  
 6 (1), approve or disapprove such plan under paragraph (1),  
 7 approve or disapprove such plan for each portion thereof.  
 8 The Administrator shall approve such plan, or any portion  
 9 thereof, if he determines that it was adopted after reasonable  
 10 notice and public hearing and that—

11       “(A) it provides for the attainment of such standard  
 12 as expeditiously as practicable but in no case later than  
 13 January 1, 1980;

14       “(B) includes effluent limitations, with schedules and  
 15 timetables which shall provide for compliance with such  
 16 limitations as expeditiously as practicable, including efflu-  
 17 ent standards at least as stringent as any applicable pro-  
 18 hibition or effluent standard established pursuant to sec-  
 19 tion 307 of this Act;

20       “(C) includes provision for establishment and oper-  
 21 ation of appropriate devices, methods, systems, and pro-  
 22 cedures necessary to (i) monitor, compile, and analyze  
 23 data (including classification according to eutrophic con-  
 24 dition) on the quality of interstate, intrastate, and to the  
 25 extent practicable ground waters including biological

monitoring; and (ii) include to the extent available such data in the implementation plan, which data shall be annually updated;

"(D) includes a procedure, meeting the requirements of subsection (c) of this section, for review (prior to construction) of the location of new sources to which a standard of performance established under section 306 will apply;

"(E) contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that the discharge of pollutants from sources located in any State will not interfere with the attainment or maintenance of water quality standards or implementation plans in any portion of any other State;

"(F) includes (i) requirements for installation of equipment by owners or operators of discharge sources to monitor effluents from such sources; (ii) requirements for periodic reports on the nature and amounts of such effluents which such reports shall be correlated by the State agency with any effluent limitations or standards established pursuant to this Act and shall be available at reasonable times for public inspection; and (iii) authority comparable to that in section 504, and adequate contingency plans to implement such authority;

"(G) provides for revision, after public hearings, of

such plans (i) from time to time, or as may be necessary to take account of new information or revisions of criteria published pursuant to section 301; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is not adequate to implement the water quality standards and goals;

“(H) provides for the maintenance and enhancement of the present quality of any waters in such State unless the Governor justifies to the Administrator that (i) any change in the quality of such waters, after the application of the highest degree of waste treatment and pollution control methods including land use controls, will not alter the chemical, physical, or biological integrity of such waters, and (ii) any change will be consistent with maximum benefit to the public health and welfare.

“(I) includes controls over the disposition of all residual waste generated in such State that could affect water quality;

“(J) includes an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet applicable water quality standards and goals in such State;

“(K) establishes the total maximum daily load for interstate and intrastate water or portions thereof, with

seasonal variations, for those pollutants which the Administrator identifies under section 301(d) as suitable for such calculation; and

“(L) includes controls over the disposal of pollutants (i) on land; (ii) in wells; or (iii) in subsurface excavations to protect ground and surface water quality.

“(b) The Administrator shall approve any revision of an implementation plan or portion thereof if he determines that such revision meets the requirements of paragraph (2) of subsection (a) and has been adopted by the State after reasonable notice and public hearings.

“(c) The procedure referred to in paragraph (2)(D) of subsection (a) for review, prior to construction, of the location of new sources shall (A) provide for adequate authority to prevent the construction (discharge) of any new source to which a standard of performance under section 306 will apply or other source at any location which the State determines will prevent the attainment or maintenance of any water quality standard or implementation plan within such State, and (B) require that prior to commencing construction of any such sources, the owner or operator thereof shall submit to such State such information as may be necessary to permit the State to make a determination under clause (A) of this paragraph.

“(d)(1) Nothing in this section shall preclude any State

1 from adopting at any time any effluent limitation, schedule, or  
 2 timetable of compliance more stringent than any such limita-  
 3 tion, schedule, or timetable approved or promulgated under  
 4 this section or section 305 without revising its implementation  
 5 plan under this section."

6 "(2) Copies of any implementation plan approved or  
 7 promulgated under this section or section 305 (and effluent  
 8 limitations, schedules, and timetables of compliance) and any  
 9 certifications issued pursuant to section 401, shall be depos-  
 10 ited, and be available to the public in an appropriate place  
 11 (A) in each State; (B) in the appropriate regional office of  
 12 the Administrator; and (C) with the Administrator. Such  
 13 plans, or portions thereof, shall further be available on re-  
 14 quest for the purpose of reproduction.

15 "(c) (1) Upon application of a Governor of a State at  
 16 the time of submission of any plan implementing a national  
 17 water quality standard, the Administrator may (subject to  
 18 paragraph (2)) extend the prescribed year period referred  
 19 to in subsection (a) (2) (A) for not more than  $\frac{5}{12}$  years for  
 20 any specified portion of any interstate or intrastate waters  
 21 in such State, if after review of such plan the Administrator  
 22 determines that—

23 "(A) one or more sources including non-point, ac-  
 24 cumulated, or in place sources of pollutants, ~~is~~ causing a  
 25 discharge into such portion of interstate or intrastate



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1 notice and public hearings, adopt and submit to the Adminis-  
 2 trator with twenty-four months of the date of publication of  
 3 information under subsection (f) of section 301, programs to  
 4 control other than point sources of water pollutants, includ-  
 5 ing, but not limited to those sources identified in section  
 6 301(f).

7       “(2) The Administrator shall within four months after  
 8 the date required for submission of any programs under para-  
 9 graph (1) approve (or disapprove) such programs or por-  
 10 tions thereof, if he determines that they were adopted after  
 11 reasonable notice and public hearings and that such pro-  
 12 grams—

13       “(A)(i) establish a process to identify agricultur-  
 14 ally related nonpoint sources of pollution including run-  
 15 off from fields used for manure disposal, the production  
 16 of crops and forest lands; and (ii) set forth procedures,  
 17 processes, and methods (including land use require-  
 18 ments) to control to the extent feasible such sources.

19       “(B)(i) establish a process to identify mine-related  
 20 sources of pollution including new, current, and aban-  
 21 doned surface and underground mine runoff; and (ii)  
 22 set forth procedures, processes, and methods (including  
 23 land use requirements) to control to the extent feasible  
 24 such sources;

25       “(C)(i) establish a process to identify construction

related sources of water pollution; and (ii) set forth procedures, processes, and methods (including land use requirements) to control to the extent feasible such sources;

“(D) include procedures to control salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, and diversion, to protect water quality; and

“(E)(i) provide for revision, after public hearings, of such programs from time to time as may be necessary to take account of new information or revisions of information published pursuant to subsection (f) of section 301,

“(b)(1) The Administrator shall approve any revision of a program or portion thereof, under this section if he determines that such revision meets the requirements of paragraph (2) of subsection (a) and has been adopted by the State after reasonable notice and public hearings.

“(c)(1) Each State shall—

“(A) identify and classify according to eutrophic condition all publicly owned fresh water lakes in such State;

“(B) set forth procedures, processes, and methods (including land use requirements), to control sources of pollution into such lakes; and

1           “(1) establish methods and procedures, in conjunc-  
 2           tion with appropriate Federal agencies, to restore the  
 3           quality of such lakes and submit such information to the  
 4           Administrator.

5           “(2) The Administrator shall provide financial assist-  
 6           ance to States in order to carry out methods and procedures  
 7           approved by the Administrator under this subsection.

8           “(3) The amount granted to any State for any fiscal year  
 9           under this subsection shall not exceed 75 per centum of the  
 10          funds expended by such State in such year for carrying out  
 11          such a program. There is authorized to be appropriated  
 12          \$150,000,000 for fiscal year 1972; \$200,000,000 for fiscal  
 13          year 1973; \$250,000,000 for fiscal year 1974; and \$400,-  
 14          000,000 for fiscal year 1975 for grants to States under this  
 15          subsection which said sum shall remain available until ex-  
 16          pended. The Administrator shall provide for an equitable  
 17          distribution for such grants to the States where they are  
 18          approved methods and procedures under this subsection.

19          <sup>c</sup>  
 20          “(4) (1) Each State, or any planning agency in such  
 21          State approved by the Governor (or a majority of the Gov-  
 22          ernors when more than one State is involved) may develop  
 23          comprehensive plans for the control and abatement of water  
 24          pollution, achievement of water quality standards, and the  
 25          enhancement of water quality for each river basin, or portion  
 26          thereof, in such State and submit such plans to the Admin-  
         istrator.

1       “(2) For the purpose of this clause the term ‘basin’  
 2       includes, but is not limited to, rivers and their tributaries,  
 3       streams, coastal waters, sounds, estuaries, bays, lakes and  
 4       portions thereof, as well as the lands drained thereby;

5       “(d) There is authorized to be appropriated \$5,000,000  
 6       for fiscal year 1972; \$10,000,000 for fiscal year 1973;  
 7       \$15,000,000 for fiscal year 1974; and \$20,000,000 for fiscal  
 8       year 1975 for grants to States to develop plans and programs  
 9       under this section other than subsection (c) which said sum  
 10       shall remain available until expended. The Administrator  
 11       shall provide for an equitable distribution for such grants  
 12       to the States based upon population and the number of desig-  
 13       nated regions under section 209 in each State.

14       “(e) The Administrator may make grants from the fund  
 15       established under subsection (c) of section 204 to any State  
 16       to carry out a public procedure, process, or method under  
 17       an approved implementation program under this section:  
 18       Provided, That such grant shall not exceed 75 per centum of  
 19       the cost of such procedure, process, or method: And provided  
 20       further, That no State shall receive in any one fiscal year  
 21       more than the sums from such State, transmitted to the fund  
 22       under subsection (b) of section 204.

23                       “FEDERAL PROMULGATION

24       “SEC. 305. (a) The Administrator shall, after considera-  
 25       tion of any State hearing record, promptly prepare and pub-

lish proposed regulations setting forth water quality standards or implementation plans or portions thereof, for a State if—

“(1) the State fails to submit water quality standards or implementation plans within the time prescribed;

“(2) the water quality standard or implementation plan, or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of section 302, or section 303; or

“(3) the State fails, within sixty days after notification by the Administrator, or such longer period as he may prescribe, to revise water quality standards or plans as required pursuant to a provision of its plan referred to in section 303 (a) (2) (4).

If such State held no public hearing on such water quality standards or plans (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plans (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this Act.

“(b) For purposes of this Act, an applicable water

1 quality standard or implementation plan is the standard  
2 or implementation plan, or most recent revision thereof,  
3 which has been approved by the Administrator under section  
4 302, section 303, or promulgated by the Administrator under  
5 subsection (a) of this section.

6       “(c) The Governor of a State or the State water pollu-  
7 tion control agency of such State may from time to time  
8 (but shall at least every five years) hold public hearings for  
9 the purpose of reviewing applicable water quality standards  
10 and implementation plans and, as appropriate, revising and  
11 adopting improved standards and plans. The results of such  
12 review shall be made available to the Administrator and the  
13 public. If pursuant to any such review the State revises such  
14 standards or plans such revised standards or plans shall be  
15 submitted to the Administrator. If the Administrator, with-  
16 in sixty days after submission, determines that such revised  
17 standards or plans meet the requirements of this Act, such  
18 revised standards shall thereafter be the water quality stand-  
19 ards and implementation for the applicable waters of such  
20 State. No such revised standards or plans shall be approved  
21 by the Administrator which reduce the quality of the waters  
22 to which such standards are applicable below the quality  
23 established by the water quality standards in effect prior to  
24 such revision.

1 "NATIONAL UNIFORM STANDARDS OF PERFORMANCE FOR  
2 NEW SOURCES

3 "SEC. 306. (a) For purposes of this section:

4 " (1) The term 'standard of performance' means a  
5 standard for the control of pollutants which reflects the great-  
6 est degree of effluent reduction which the Administrator  
7 determines to be achievable through application of the lat-  
8 est available control technology, processes, operating meth-  
9 ods, or other alternatives, including, where practicable, a  
10 standard permitting no discharge of pollutants.

11 " (2) The term 'new source' means any source, the con-  
12 struction or modification of which is commenced after the  
13 publication of regulations (or, if earlier, proposed regula-  
14 tions) prescribing a standard of performance under this sec-  
15 tion which will be applicable to such source.

16 " (3) The term 'source' means any building, structure,  
17 facility, or installation which discharges or may discharge  
18 any water pollutant.

19 " (4) The term 'owner or operator' means any person  
20 who owns, leases, operates, controls, or supervises a source.

21 " (5) The term 'modification' means any physical  
22 change in, or change in the method of operation of, a source  
23 which increases the amount of any water pollutant dis-  
24 charges by such source or which results in the discharge of  
25 any water pollutant not previously discharged.



1       “(b) (1) (A) The Administrator shall, within ninety  
2 days after the date of enactment of the National Water  
3 Quality Standards Act of 1971, publish (and from time to  
4 time thereafter shall revise) a list of categories of sources,  
5 which such list shall, at the minimum include:

6               “pulp and paper mills;

7               “paperboard, builders, paper and board mills;

8               “meat product and rendering processing;

9               “dairy product processing;

10              “grain mills;

11              “canned and preserved fruits and vegetables proc-  
12 essing;

13              “canned and preserved seafood processing;

14              “sugar processing;

15              “textile mills;

16              “cement manufacturing;

17              “nuclear fuels processing;

18              “feedlots;

19              “electroplating;

20              “organic chemicals manufacturing;

21              “inorganic chemicals manufacturing;

22              “plastic and synthetic materials manufacturing;

23              “soap and detergent manufacturing;

24              “fertilizer manufacturing;

25              “petroleum refining;

- 1 "iron and steel manufacturing;
- 2 "nonferrous metals manufacturing;
- 3 "cotton ginning;
- 4 "phosphate manufacturing;
- 5 "steam electric powerplants;
- 6 "ferroalloy manufacturing;
- 7 "leather tanning and finishing;
- 8 "glass and asbestos manufacturing;
- 9 "rubber processing; and
- 10 "timber products processing.

11 " (B) As soon as practicable, but in no case more than  
 12 one year, after the inclusion of a category of stationary  
 13 sources in a list under subparagraph (A), the Administrator  
 14 shall propose regulations, establishing Federal standards of  
 15 performance for new sources within such category. The Ad-  
 16 ministrator shall afford interested persons an opportunity for  
 17 written comment on such proposed regulations. After consid-  
 18 ering such comments, he shall promulgate, within sixty days  
 19 after such publications, such standards with such modifica-  
 20 tions as he deems appropriate. *The Administrator shall pro-*  
 21 *mulgate such standards of performance unless on the basis of*  
 22 *the comments received the Administrator determines that the*  
 23 *economic and social costs of implementing such standards*  
 24 *bear no reasonable relationship to the social and economic*  
 25 *benefits (including water quality objectives) to be obtained.*

1 *Any such determination shall be accompanied by any neces-*  
2 *sary modification of such standard.* The Administrator shall,  
3 from time to time, as technology and other alternatives  
4 change revise such standards following the procedure re-  
5 quired by this subsection for promulgation of such standards.  
6 Standards of performance or revisions thereof shall become  
7 effective upon promulgation.

8       “(2) The Administrator may distinguish among classes,  
9 types, and sizes within categories of new sources for the pur-  
10 pose of establishing such standards.

11       “(3) The provisions of this section shall apply to any  
12 new source owned or operated by the United States.

13       “(c) (1) Each State may develop and submit to the  
14 Administrator a procedure for implementing and enforcing  
15 standards of performance for new sources located in such  
16 State. If the Administrator finds the State procedure is  
17 adequate he shall delegate to such State any authority he  
18 has under this Act to implement and enforce such stand-  
19 ards (except with respect to new sources owned or operated  
20 by the United States).

21       “(2) Nothing in this subsection shall prohibit the  
22 Administrator from enforcing under section 309, any applica-  
23 ble standard of performance under this section.

24       “(d) After the effective date of standards of perform-  
25 ance promulgated under this section, it shall be unlawful

1 for any owner or operator of any new source subject to the  
 2 jurisdiction of the United States to operate such source in  
 3 violation of any standard of performance applicable to such  
 4 source.

5 "Sec. 307. (a)(1) For the purpose of establishing a  
 6 prohibition or effluent standard under this section, the Admin-  
 7 istrator shall, within ninety days after the date of enactment  
 8 of the National Water Quality Standards Act of 1971,  
 9 publish (and shall from time to time thereafter revise) a list  
 10 which includes each water pollutant or combination of such  
 11 pollutants, which ~~the Administrator determines to be toxic,~~  
 12 which such list, at the minimum, shall contain the following  
 13 pollutants:

14 "Cobalt;

15 "Chromium;

16 "Lead;

17 "Mercury;

18 "Nickel;

19 "Selenium;

20 "Bromine;

21 "Antimony;

22 "Arsenic;

23 "Plutonium;

24 "Beryllium;

25 "Cadmium;

1       "Silver;

2       "Tin;

3       "Barium;

4       "Vanadium;

5       "Orthonitrochlorobenzene;

6       "Polychlorinated biphenyls;

7       "Persistent chlorinated hydrocarbons; and

8       "Strontium 90.

9       Within one hundred and eighty days after the date of publica-  
 10      tion of any list, or revision thereof, under paragraph (1) of  
 11      this subsection, the Administrator, in accordance with section  
 12      553 of title 5 of the United States Code shall publish a pro-  
 13      posed prohibition of the discharge of such pollutant or com-  
 14      bination of pollutants together with a summary of evidence  
 15      and a notice of a public hearing within thirty days. As soon  
 16      as possible after such hearing, but not later than six months  
 17      after such publication, the Administrator shall promulgate  
 18      such prohibition, unless, based upon a preponderance of evi-  
 19      dence adduced at such hearings, he finds within such period  
 20      and publishes his findings, that a departure from such pro-  
 21      hibition for such pollutant will not be toxic in established  
 22      quantities of discharge.

23       "(3) If the Administrator finds that a departure from  
 24      such prohibition will not be toxic in established quantities he  
 25      shall immediately promulgate an effluent standard for such

1 pollutant or combination of pollutants based on such estab-  
 2 lished quantity of discharge found not toxic under para-  
 3 graph (2) of this subsection. Such standard shall be re-  
 4 viewed and, as appropriate, revised at least every three  
 5 years.

6 “(4) When proposing or promulgating any prohibition  
 7 or effluent standard under this section, the Administrator  
 8 shall designate the category or categories or sources to which  
 9 the prohibition or effluent standard shall apply.

10 “(5) Any prohibition or effluent standard established  
 11 pursuant to this section shall become effective upon promul-  
 12 gation and specify a time for compliance not to exceed one  
 13 year from such effective date.

14 “(6) Prior to publishing any regulations pursuant to  
 15 this section the Administrator shall, to the maximum extent  
 16 practicable within the time provided, consult with appropri-  
 17 ate advisory committees, independent experts, and Federal  
 18 departments and agencies.

19 “(b)(1) The Administrator shall, within ninety days  
 20 after the date of enactment and from time to time thereafter,  
 21 publish proposed regulations establishing pretreatment stand-  
 22 ards for pollutants which he determines are not susceptible  
 23 to treatment by available conventional treatment methods  
 24 together with a notice of a public hearing within thirty days.  
 25 Not later than ninety days after such publication, the Admini-

1    istrator shall promulgate such pretreatment standards. Pre-  
 2    treatment standards under this subsection shall specify a  
 3    time for compliance not to exceed three years from the date  
 4    of promulgation and shall be established to prevent the dis-  
 5    charge into interstate or intrastate waters, waters of the  
 6    contiguous zone, or the ocean, either directly or through  
 7    municipal waste treatment works (as defined in section 209)  
 8    of any pollutant which interferes with, passes through, or  
 9    otherwise is incompatible with such works.

10       “(2) The Administrator shall, from time to time, as  
 11    control technology, processes, operating methods, or other  
 12    alternatives change, revise such standards following the  
 13    procedure established by this subsection for promulgation  
 14    of such standards.

15       “(3) When proposing or promulgating any pretreat-  
 16    ment standard under this section, the Administrator shall  
 17    designate the category or categories of sources to which the  
 18    effluent standard shall apply.

19       “(c)(1) The discharge by any person of any new pol-  
 20    lutant not known to be a part of industrial production efflu-  
 21    ents as of June 1971, without submitting to the Administra-  
 22    tor an analysis of the effects of such pollutant in accord with  
 23    guidelines established pursuant to paragraph (3) of this  
 24    subsection is prohibited.

25       “(2) The Administrator within one hundred and eighty

1 days following any submission pursuant to paragraph (1)  
2 of this subsection shall establish a prohibition for effluent  
3 standard for such pollutant.

4 “(3) The Administrator shall within one hundred and  
5 eighty days from date of enactment of this Act promulgate  
6 guidelines for the analysis of the effects of pollutants under  
7 this subsection which shall include the factors which must be  
8 provided in any submission pursuant to paragraph (2) of  
9 this subsection and test protocols for measuring the effects  
10 of such pollutants.

11 “INSPECTIONS, MONITORING AND ENTRY

12 “SEC. 308. (a) For the purpose (i) of developing or  
13 assisting in the development of any water quality standards,  
14 implementation plans, effluent limitations schedules or time-  
15 tables for compliance, prohibitions or effluent standards or  
16 standards of performance; (ii) of determining whether any  
17 person is in violation of any such water quality standard, im-  
18 plementation plan, effluent limitation, prohibition or effluent  
19 standard, or standard of performance; or (iii) requirement  
20 established under this section; or (ii) of carrying out sections  
21 402 and 504 of this Act—

22 “(1) the Administrator shall require the owner or  
23 operator of any effluent source to (A) establish and  
24 maintain such records, (B) make such reports, (C) in-  
25 stall, use, and maintain such monitoring equipment or



1 methods, including where appropriate, biological moni-  
2 toring methods, (D) sample such effluents (in accord-  
3 ance with such methods, at such locations, at such inter-  
4 vals, and in such manner as the Administrator shall pre-  
5 scribe), and (E) provide such other information as he  
6 may reasonably require; and

7 “(2) the Administrator or his authorized represen-  
8 tative, upon presentation of his credentials—

9 “(A) shall have a right of entry to, upon, or  
10 through any premises in which an effluent source is  
11 located or in which any records required to be main-  
12 tained under paragraph (1) of this subsection are  
13 located, and

14 “(B) may at reasonable times have access to  
15 and copy any records, inspect any monitoring equip-  
16 ment or method required under paragraph (1), and  
17 sample any effluents which the owner or operator of  
18 such source is required to sample under para-  
19 graph (1).

20 “(b) (1) Each State shall develop and submit to the  
21 Administrator a procedure for carrying out this section in  
22 such State. If the Administrator finds the State procedure is  
23 adequate, he shall delegate to such State any authority he has  
24 to carry out this section (except with respect to sources  
25 owned or operated by the United States).

1       “(2) Nothing in this subsection shall prohibit the Ad-  
2     ministrator from carrying out in a State, at anytime, the au-  
3     thority granted under this section.

4       “(c) Any records, reports, or information obtained  
5     under this section shall be available to the public as provided  
6     in subsection (c) of section 301, except that upon a showing  
7     satisfactory to the Administrator by any person that records,  
8     reports, or information, or particular part thereof (other than  
9     effluent data), to which the Administrator has access under  
10    this section if made public, would divulge methods or proc-  
11    esses entitled to protection as trade secrets of such person,  
12    the Administrator shall consider such record, report, or in-  
13    formation, or particular portion thereof confidential in accord-  
14    ance with the purposes of section 905 of title 18 of the  
15    United States Code, except that such record, report, or in-  
16    formation may be disclosed to other officers, employees, or  
17    authorized representatives of the United States concerned  
18    with carrying out this Act or when relevant in any proceed-  
19    ing under this Act.

20                   “FEDERAL ENFORCEMENT

21       “Sec. 309. (a) (1) Whenever, on the basis of any infor-  
22     mation available to him, the Administrator finds that any  
23     person is in violation of any requirement of an applicable  
24     implementation plan including any effluent limitation, the  
25     Administrator shall notify the person in violation of the plan

1 and the State in which the plan applies of such finding. If  
2 such violation extends beyond the thirtieth day after the  
3 Administrator's notification and the State has not com-  
4 menced, or is not prosecuting vigorously, appropriate enforce-  
5 ment under an approved implementation plan, the Admin-  
6 istrator shall issue an order requiring such person to comply  
7 with the requirements of such plan or he shall bring a civil  
8 action in accordance with subsection (b).

9       “(2) Whenever, (A) on the basis of any information  
10 available to him, the Administrator finds that any person  
11 violated (i) any effluent limitation, schedule, or timetable of  
12 compliance under section 302 or section 303, (ii) section 306,  
13 (iii) section 307, or (iv) section 402, or (B) any person  
14 violates or fails or refuses to comply with an order issued  
15 under this subsection, the Administrator shall notify the per-  
16 son and the State in which the violation occurred or is  
17 occurring, of such finding. The notice shall state with reason-  
18 able specificity (A) the nature of the violation, and (B) the  
19 civil penalty under subsection (d) of this section for which the  
20 person is liable, and if appropriate, will be liable until com-  
21 pliance has been achieved.

22       “(3) Whenever, on the basis of information available  
23 to him, the Administrator finds that violations of an applica-  
24 ble implementation plan, including effluent limitations, are  
25 so widespread that such violations appear to result from a

1 failure of the State in which the plan applies to enforce the  
 2 plan effectively, he shall so notify the State. If the Admin-  
 3 istrator finds such failure extends beyond the thirtieth day  
 4 after such notice, he shall give public notice of such finding.  
 5 During the period beginning with such public notice and  
 6 ending when such State satisfies the Administrator that it  
 7 will enforce such plan (hereafter referred to in this section  
 8 as 'period of federally assumed enforcement'), the Adminis-  
 9 trator shall enforce any requirement of such plan with respect  
 10 to any person—

11 “ (A) by issuing an order to comply with such re-  
 12 quirement, or

13 “ (B) by bringing a civil action under subsection  
 14 (b) .

15 “ (4) Whenever, on the basis of any information avail-  
 16 able to him, the Administrator finds that any person is in  
 17 violation of section 306 (related to new source performance  
 18 standards) or 307 (relating to toxic pollutants), or is in  
 19 violation of any requirement of section 308 (relating to in-  
 20 spections, etc.), or is in violation of a prohibition under sec-  
 21 tion 402 or any condition of any permit issued thereunder  
 22 (relating to unlawful discharges), he shall issue an order  
 23 requiring such person to comply with such section or require-  
 24 ment, or he shall bring a civil action in accordance with sub-  
 25 section (b) .

“ (5) An order issued under this subsection (other than an order relating to a violation of (A) an effluent limitation approved under section 302 or section 303; (B) section 306; or (C) section 307) shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator or his delegate concerning the alleged violation. A copy of any order issued under this subsection shall be sent to the State water pollution control agency of any State in which the violation occurs. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed ten days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1)) is issued to a corporation a copy of such order (or notice) shall be issued to appropriate corporate officers.

“ (b) The Administrator shall commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

“ (1) violates or fails or refuses to comply with any order issued under subsection (a) ; or

“ (2) violates any requirement of an applicable implementation plan during any period of federally as-

1       sued enforcement or more than thirty days after hav-  
 2       ing been notified by the Administrator under subsec-  
 3       tion (a) (1) of a finding that such person is violating  
 4       such requirement; or

5               “(3) violates section 306 or section 307; or

6               “(4) fails or refuses to comply with any require-  
 7       ment of section 308.

8               “(5) is in violation of a prohibition under section  
 9       402 or any condition of any permit issued thereunder, or

10              “(6) has violated (i) any effluent limitation, sched-  
 11       uled, or timetable of compliance under section 302 or  
 12       section 303, (ii) section 306, (iii) section 307, or (iv)  
 13       section 402, or

14              “(7) fails or refuses to pay any penalty assessed  
 15       by the Administrator under subsection (a).

16       Any action under this subsection may be brought in the  
 17       district court of the United States for the district in which  
 18       the defendant is located or resides or is doing business, and  
 19       such court shall have jurisdiction to restrain such violation  
 20       and to require compliance. Notice of the commencement of  
 21       such action shall be given to the appropriate State water  
 22       pollution control agency.

23              “(c)(1) Any person who wilfully or negligently—

24              “(A) violates any requirement of an applicable  
 25       implementation plan during any period of federally

1       assumed enforcement or more than thirty days after  
2       having been notified by the Administrator under sub-  
3       section (a)(1) that such person is violating such require-  
4       ment, or

5       “(B) violates or fails or refuses to comply with any  
6       order issued by the Administrator under subsection (a),  
7       or

8       “(C) violates section 306, or section 307, or section  
9       402, shall be punished by a fine of not more than \$25,000  
10      nor in the case of a violation of (i) an applicable effluent  
11      limitation under section 302 or section 303; (ii) section  
12      306; (iii) section 307; or (iv) prohibition under section  
13      402, less than \$2,500 per day of violation, or by impris-  
14      onment for not more than one year, or by both. If the  
15      conviction is for a violation committed after the first con-  
16      viction of such person under this paragraph, punishment  
17      shall be by a fine of not more than \$50,000 per day of  
18      violation, or by imprisonment for not more than two  
19      years, or by both. One-tenth of any such fine under this  
20      subsection shall be paid to any person giving information  
21      that shall lead to conviction.

22      “(2) Any person who knowingly makes any false state-  
23      ment, representation, or certification in any application,  
24      record, report, plan, or other document filed or required to  
25      be maintained under this Act or who falsifies, tampers with,

1 or knowingly renders inaccurate any monitoring device or  
 2 method required to be maintained under this Act, shall upon  
 3 conviction, be punished by a fine of not more than \$10,000,  
 4 or by imprisonment for not more than six months, or by  
 5 both.

6 “(3) For purposes of this subsection, person shall mean,  
 7 where appropriate responsible corporate officers.

8 “(d)(1) Any person who has received notification pur-  
 9 suant to paragraph (2) of subsection (a) or, violates or  
 10 fails or refuses to comply with any order issued under para-  
 11 graph (1) or (3) of subsection (a) shall be liable to a civil  
 12 penalty in an amount not to exceed \$25,000 per day of viola-  
 13 tion to be determined by the Administrator. One-tenth of  
 14 any such fine under this subsection shall be paid to any  
 15 person giving information that shall lead to conviction.

16 “(2) No such penalty shall be assessed until such per-  
 17 son has been given notice and opportunity for a hearing  
 18 subject to the provisions of section 554 of title 5 of the United  
 19 States Code. The final determination of the Administrator  
 20 shall be made on the record after considering the nature,  
 21 circumstances, and extent of any such violation.

22 “(3) Within sixty days of enactment and from time to  
 23 time thereafter, the Administrator shall publish in the Fed-  
 24 eral Register a schedule of civil penalties which the Ad-  
 25 ministrator is authorized to apply under that subsection.



1 *The schedule shall set forth levels of penalties based on*  
 2 *volumes and types of pollutant, and on the circumstances of*  
 3 *violation.*

4 “(e) Whenever a municipality is a party to an action  
 5 under this section, the State where such municipality is  
 6 located shall be joined as a party to the action and shall  
 7 assume financial responsibility for any expenses incurred as  
 8 a result of complying with any judgment against the munici-  
 9 pality if the laws of that State limit the capacity of the  
 10 municipality to raise revenues needed to pay expenses re-  
 11 quired by such a judgment.”

#### 12 INTERNATIONAL POLLUTION

13 “SEC. 310. (a) Whenever the Administrator, upon  
 14 receipt of reports, surveys, or studies from any duly con-  
 15 stituted international agency, has reason to believe that pol-  
 16 lution of any waters is occurring which endangers the health  
 17 or welfare of persons in a foreign country, and the Secretary  
 18 of State requests him to abate such pollution, he shall give  
 19 formal notification thereof to the State water pollution con-  
 20 trol agency of the State or States in which such discharge or  
 21 discharges originate and to the appropriate interstate water  
 22 pollution control agency, if any. He shall also promptly call  
 23 such a hearing, if he believes that such pollution is occurring  
 24 in sufficient quantity to warrant such action, and if such  
 25 foreign country has given the United States essentially the

1 same rights with respect to the prevention and control of  
 2 water pollution occurring in that country as is given that  
 3 country by this subsection. The Administrator, through the  
 4 Secretary of State, shall invite the foreign country which  
 5 may be adversely affected by the pollution to attend and par-  
 6 ticipate in the hearing, and the representative of such country  
 7 shall, for the purpose of the hearing and any further pro-  
 8 ceeding resulting from such hearing, have all the rights of  
 9 a State water pollution control agency. Nothing in this sub-  
 10 section shall be construed to modify, amend, repeal, or other-  
 11 wise affect the provisions of the 1909 Boundary Waters  
 12 Treaty between Canada and the United States or the Water  
 13 Utilization Treaty of 1944 between Mexico and the United  
 14 States (59 Stat. 1219), relative to the control and abate-  
 15 ment of water pollution in waters covered by those  
 16 treaties.

17     “(b) The calling of a hearing under this section shall  
 18 not be construed by the courts, the Administrator, or any  
 19 person as limiting, modifying, or otherwise affecting the  
 20 functions and responsibilities of the Administrator under  
 21 this section to establish and enforce water quality standards.

22     “(c) The Administrator shall publish in the Federal  
 23 Register a notice of a public hearing before a hearing board  
 24 of five or more persons appointed by the Administrator. A  
 25 majority of the members of the board and the chairman who

1 shall be designated by the Administrator shall not be officers  
2 or employees of Federal, State, or local governments. On  
3 the basis of the evidence presented at such hearing, the board  
4 shall within sixty days after completion of the hearing make  
5 findings of fact as to whether or not such pollution is oc-  
6 curring and shall thereupon by decision, incorporating its  
7 findings therein, make such recommendations to abate the  
8 pollution as may be appropriate and shall transmit such de-  
9 cision and the record of the hearings to the Administrator.  
10 All such decisions shall be public. Upon receipt of such  
11 decision, the Administrator shall promptly implement the  
12 board's decision in accordance with the provisions of this  
13 Act.

14       “(d) In connection with any hearing called under this  
15 subsection, the board is authorized to require any person  
16 whose alleged activities result in discharges causing or con-  
17 tributing to water pollution to file with it in such form as it  
18 may prescribe, a report based on existing data, furnishing  
19 such information as may reasonably be required as to the  
20 character, kind, and quantity of such discharges and the use  
21 of facilities or other means to prevent or reduce such dis-  
22 charges by the person filing such a report. Such report shall  
23 be made under oath or otherwise, as the board may prescribe,  
24 and shall be filed with the board within such reasonable  
25 period as it may prescribe, unless additional time is granted

1 by it. Upon a showing satisfactory to the board by the person  
2 filing such report that such report or portion thereof (other  
3 than effluent data), to which the Administrator has access  
4 under this section, if made public would divulge trade secrets  
5 or secret processes of such person, the board shall consider  
6 such report or portion thereof confidential for the purposes  
7 of section 1905 of title 18 of the United States Code. If any  
8 person required to file any report under this paragraph shall  
9 fail to do so within the time fixed by the board for filing the  
10 same, and such failure shall continue for thirty days after  
11 notice of such default, such person shall forfeit to the United  
12 States the sum of \$1,000 for each and every day of the con-  
13 tinuance of such failure, which forfeiture shall be payable into  
14 the Treasury of the United States, and shall be recoverable  
15 in a civil suit in the name of the United States in the district  
16 court of the United States where such person has his principal  
17 office or in any district in which he does business. The Ad-  
18 ministrator may upon application therefor remit or mitigate  
19 any forfeiture provided for under this paragraph.

20 “(e) Board members, other than officers or employees  
21 of Federal, State, or local governments, shall be, for each  
22 day (including traveltime) during which they are perform-  
23 ing board business, entitled to receive compensation at a  
24 rate fixed by the Administrator but not in excess of the  
25 maximum rate of pay for grade GS-18, as provided in the

1 General Schedule under section 5332 of title 5 of the United  
 2 States Code, and shall, notwithstanding the limitations of  
 3 sections 5703 and 5704 of title 5 of the United States Code,  
 4 be fully reimbursed for travel, subsistence, and related  
 5 expenses.

6 “(f) When any such recommendation adopted by the  
 7 Administrator involves the institution of enforcement pro-  
 8 ceedings against any person to obtain the abatement of pol-  
 9 lution of the waters subject to such recommendation, the  
 10 Administrator shall institute such proceedings if he believes  
 11 that the evidence warrants such proceedings. The district  
 12 court of the United States shall consider and determine de  
 13 novo all relevant issues, but shall receive in evidence the  
 14 record of the proceedings before the conference or hearing  
 15 board. The court shall have jurisdiction to enter such judg-  
 16 ment and orders enforcing such judgment as it deems appro-  
 17 priate or to remand such proceedings to the Administrator  
 18 for such further action as it may direct.”

#### 19 OIL AND HAZARDOUS SUBSTANCE POLLUTION

20 SEC. 17. (a) Section 11 of the Federal Water Pollu-  
 21 tion Control Act is redesignated as section 312.

22 (b) Section 312, as redesignated, is further amended—

23 (1) by striking paragraph (9) of subsection (a)  
 24 and renumbering accordingly;

(2) to add the following new paragraph (2) to subsection (a) and renumbering accordingly:

“(2) hazardous substance “means any substance designated pursuant to subsection (b) (2) of this section”;

(3) by inserting after “oil” in paragraph (9) of subsection (a) as renumbered “or hazardous substance”;

(4) by inserting after “oil” in paragraph (1) of subsection (b) “or hazardous substances”;

“(e) Board members, other than officers or employees to subsection (b) and renumbering remaining paragraphs accordingly:

“(f) When any such recommendation adopted by the and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

“(B) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance is subject to removal under this section.

1       “(C) The owner or operator of any vessel, onshore  
 2 facility or offshore facility from which there is discharged  
 3 any hazardous substance designated under subparagraph  
 4 (A) and determined not subject to removal under subpara-  
 5 graph (B) shall be liable, subject to the defenses to liability  
 6 provided under subsection (f), as appropriate, (i) for all  
 7 loss or damage resulting from such discharge, and (ii) to  
 8 the United States for a penalty of not to exceed \$50,000 per  
 9 discharge.

10           (6) by inserting after “oil” and before “into” in  
 11 paragraph (3), as renumbered, of subsection (b) “or  
 12 hazardous substances”;

13           (7) by inserting after “discharge” in clause (A) of  
 14 paragraph (3), as renumbered, of subsection (b) “of  
 15 oil”;

16           (8) by inserting after “oil” and before “the” in  
 17 paragraph (4), as renumbered, of subsection (b) “and  
 18 any hazardous substance”;

19           (9) (A) by inserting after “oil” in paragraph (5),  
 20 as renumbered, of subsection (b) “or a hazardous sub-  
 21 stance”; and

22           (B) by striking the word “knowingly” in the first  
 23 sentence of paragraph (5) *and inserting, in lieu thereof*  
 24 *the words “willfully or negligently”.*

25           (10) by inserting after “oil” in paragraph (6), as

1 remembered, of subsection (b) "or a hazardous sub-  
2 stance";

3 (11) (A) by inserting after "oil" and before "is"  
4 in paragraph (1) of subsection (c) "or a hazardous  
5 substance";

6 (B) by inserting after "such oil" and before "at" in  
7 paragraph (1) of subsection (c) "or substance";

8 (12) (A) by inserting after "oil" and before "pur-  
9 suant" in paragraph (2) of subsection (c) "and hazard-  
10 ous substances";

11 (B) by inserting after "oil" and before "discharges"  
12 in paragraph (2) of subsection (c) "and hazardous  
13 substance";

14 (C) by inserting after "oil" and before "and" in  
15 paragraph (2) of subsection (c) "and hazardous sub-  
16 stances";

17 (13) (A) by inserting after "adequate oil" and be-  
18 fore the words "pollution control" in clause (C) of  
19 paragraph (2) of subsection (c) "and hazardous sub-  
20 stance";

21 (B) by inserting after "detailed oil" and before  
22 "pollution prevention" in clause (C) of paragraph (2)  
23 of subsection (c) "and hazardous substance"; and

24 (C) by inserting after clause (G) the following  
25 clause:



1           “(H) a system whereby the State or States affected  
 2       by a discharge of oil or hazardous substance may act  
 3       where necessary to remove such discharge and such State  
 4       or States may be reimbursed from the fund established  
 5       under subsection (k) of this section for the reasonable  
 6       costs incurred in such removal.”.

7           (14) by inserting after “oil” in clause (D) of  
 8       paragraph (2) of subsection (c) “and hazardous sub-  
 9       stances”;

10          (15) by inserting after “oil” in clause (F) of  
 11       paragraph (2) of subsection (c) “and hazardous sub-  
 12       stances”;

13          (16) (A) by inserting after “of oil” and before  
 14       “and action” in clause (G) of paragraph (2) of sub-  
 15       section (c) “and hazardous substances”;

16          (B) by inserting after “from oil” and before “dis-  
 17       charge shall” in clause (G) of paragraph (2) of sub-  
 18       section (c) “and hazardous substance”;

19          (17) (A) by inserting after “of oil” and before  
 20       “from a” in subsection (d) “or a hazardous substance”;

21          (B) by inserting after “oil” and before the period  
 22       at the end of subsection (d) “or hazardous substance.”

23          (18) by inserting after “oil” and before “into” in  
 24       subsection (c) “or hazardous substance”;

25          (19) (A) by inserting after “which oil” and before

1 “is discharged” in paragraph (1) of subsection (f) “or  
2 a hazardous substance”;

3 (B) by inserting after “such oil” and before “by  
4 the” in paragraph (1) of subsection (f) “or substance”;

5 (20) (A) by inserting after “which oil” and before  
6 “is discharged” in paragraph (2) of subsection (f) “or  
7 a hazardous substance”;

8 (B) by inserting after “such oil” and before “by  
9 the” in paragraph (2) of subsection (f) “or substance”;  
10 and

11 (C) by inserting after “of oil” and before “in  
12 violation” in paragraph (2) of subsection (f) “or a  
13 hazardous substance”;

14 (21) by inserting after “which oil” and before “is  
15 discharged” in paragraph (3) of subsection (f) “or a  
16 hazardous substance”;

17 (22) (A) by inserting after “which oil” and be-  
18 fore “is discharged” in subsection (g) “or a hazardous  
19 substance”;

20 (B) by inserting after “of oil” and before “was  
21 caused” in subsection (g) “or hazardous substance”;

22 (C) by inserting after “such oil” and before “by  
23 the” in subsection (g) “or substance”;

24 (D) by inserting after “of oil” and before “in vio-  
25 lation” in subsection (g) “or a hazardous substance”;

1 (E) by inserting after "discharge of oil" and before  
 2 "in violation" in the second last sentence of subsection  
 3 (g) "or a hazardous substance";

4 (23) by inserting after "of oil" and before the pe-  
 5 riod at the end of subsection (h) "or hazardous sub-  
 6 stance";

7 (24) (A) by inserting after "which oil" and be-  
 8 fore "is discharged" in paragraph (1) of subsection (i)  
 9 "or a hazardous substance";

10 (B) by inserting after "such oil" and before "in ac-  
 11 cordanee" in paragraph (1) of subsection (i) "or sub-  
 12 stance";

13 (25) (A) by inserting after "discharged oil" and  
 14 before ", (B) establishing" in paragraph (1) of sub-  
 15 section (j) "and hazardous substances";

16 (B) by inserting after "regional oil" and before "re-  
 17 moval contingency" in paragraph (1) of subsection (j)  
 18 "and hazardous substance";

19 (C) by inserting after "of oil" and before "from  
 20 vessels" in paragraph (1) of subsection (j) "and haz-  
 21 ardous substances";

22 (D) by inserting after "cargoes of oil" and before  
 23 "and the" in paragraph (1) of subsection (j) "and  
 24 hazardous substances";

25 (E) by inserting after "of oil" and before "and haz-  
 26 ardous substances";

(26) by inserting a period after "section" in the first sentence of subsection (k) and by striking "and section 12 of this Act." of such sentence;

(27) by inserting a period after "subsections (c) and (i) of this section." of the second sentence of subsection (l) and to strike "and section 12 of this Act," of such sentence;

(28) (A) by inserting after "any oil" and before "or from" in paragraph (1) of subsection (o) "or hazardous substance";

(B) by inserting after "such oil" and before the period at the end of paragraph (1) of subsection (o) "or hazardous substance.";

(29) by inserting after "of oil" and before "into any" in paragraph (2) of subsection (o) "or hazardous substance."; and

(30) by inserting paragraph (4) of subsection (p) and inserting the following new paragraph (4), (5), and (6) :

" (4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be liable to a civil penalty of not more than \$10,000 for each such violation to be assessed by the delegate of the President. Such penalty may be remitted or mitigated upon such terms

1 as said delegate in his discretion may deem proper. No pen-  
2 alty shall be assessed until the owner or operator charged  
3 shall have been given notice and an opportunity for a hear-  
4 ing on such charge.

5 " (5) The Secretary of the Treasury shall refuse the  
6 clearance required by section 4197 of the Revised Statutes  
7 of the United States, as amended (4 U.S.C. 34), to any  
8 vessel subject to this subsection, which does not have evi-  
9 dence furnished by the delegate of the President that the  
10 financial responsibility provisions of paragraph (1) of this  
11 subsection have been complied with.

12 " (6) The Secretary of the department in which the  
13 Coast Guard is operating shall (1) deny entry to any port or  
14 place in the United States or the navigable waters of the  
15 United States, to, and (2) detain at the port or place in the  
16 United States from which it is about to depart for any other  
17 port or place in the United States, any vessel subject to this  
18 subsection, which upon request, does not produce evidence  
19 furnished by the delegate of the President that the financial  
20 responsibility provisions of paragraph (1) of this subsection  
21 have been complied with."

22 - CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

23 SEC. 18, Section 12 of the Federal Water Pollution Con-  
24 trol Act is repealed.

## CONTROL OF SEWAGE FROM VESSELS

SEC. 19. (a) Section 15 of the Federal Water Pollution Control Act is redesignated as section 212.

(b) Section 212, as redesignated, is further amended—

(1) by striking the word "Secretary" wherever it appears and inserting "Administrator",

(2) by striking subsection (f) and inserting a new subsection as follows:

"(f) (1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) Except as provided in paragraph (3) of this subsection no State or political subdivision thereof shall adopt or enforce at any time any such statute or regulation in connection with any vessel equipped with an operable marine sanitation device certified pursuant to this section.

"(3) If the Administrator determines upon application by a State that the protection and enhancement of the quality of waters specified requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters

1 of such State which are the subject of the application and  
2 to which such standards apply."

3 SEC. 20. (a) Subsection (a) of section 21 of the Fed-  
4 eral Water Pollution Act is redesignated as section 313.

5 (b) Section 313, as redesignated, is further amended  
6 to read as follows:

7 "CONTROL OF POLLUTION FROM FEDERAL FACILITIES

8 "SEC. 313. Each department, agency, and instrumental-  
9 ity of the executive, legislative, and judicial branches of the  
10 Federal Government (1) having jurisdiction over any prop-  
11 erty or facility, or (2) engaged in any activity resulting, or  
12 which may result, in the discharge of water pollutants or  
13 otherwise may result in a violation of an applicable imple-  
14 mentation plan shall comply with Federal, State, interstate  
15 and local requirements respecting control and abatement of  
16 water pollution to the same extent that any person is subject  
17 to such requirements; including the payment of reasonable  
18 service charges. The President may exempt any effluent  
19 source of any department, agency, or instrumentality in the  
20 executive branch from compliance with such a requirement  
21 if he determines it to be in the paramount interest of the  
22 United States to do so; except that no exemption may be  
23 granted from section 306 or 307. No such exemption shall  
24 be granted due to lack of appropriation unless the President  
25 shall have specifically requested such appropriation as a part

1 of the budgetary process and the Congress shall have failed  
 2 to make available such requested appropriation. Any exemp-  
 3 tion shall be for a period not in excess of one year, but addi-  
 4 tional exemptions may be granted for periods of not to exceed  
 5 one year upon the President's making a new determination.  
 6 The President shall report each January to the Congress all  
 7 exemptions from the requirements of this section granted  
 8 during the preceding calendar year, together with his reason  
 9 for granting such exemption."

#### TITLE IV—PERMITS AND LICENSES

Sec. 401. Certification.

Sec. 402. Discharge Permits.

Sec. 403. Transfer of Authority.

10 SEC. 21. (a) The Federal Water Pollution Control Act  
 11 is amended to add a new title IV, "Permits and Licenses."

12 (b) Subsection (b) of Section 21 of the Federal Water  
 13 Pollution Control Act is redesignated as section 401, "Certifi-  
 14 cation", and renumbered accordingly.

#### 15 "DOMESTIC" POLLUTANT DISPOSAL CONTROL

16 "SEC. 402. (a) It shall be unlawful (1) for any person  
 17 to discharge any pollutants into the waters of the territorial  
 18 sea or the contiguous zone, or, (2) for any person subject to  
 19 the jurisdiction of the United States by the fact of removing  
 20 any pollutants therefrom, to discharge any such pollutants  
 21 into the oceans.

22 "(b)(1) The Administrator, whenever in the judgment



1 *of the Secretary of the Army anchorage and navigation will*  
2 *not be injured thereby, may after public hearings (which*  
3 *may be waived, if after notice, there is no interest or con-*  
4 *troversy), issue a permit for the discharge of any pollutants*  
5 *into the territorial sea, the waters of the contiguous zone, or,*  
6 *by any person subject to the jurisdiction of the United States*  
7 *by fact of removing any pollutants therefrom, the oceans, if he*  
8 *determines—*

9       “(A) in the case of a discharge occurring on or be-  
10 fore date of enactment of this Act such discharge will, on  
11 a schedule of compliance not to exceed three years, re-  
12 ceive the greatest degree of effluent reduction which the  
13 Administrator determines to be achievable through the  
14 application of the latest available control technology, pro-  
15 cesses, operating methods, or other alternatives, unless  
16 the applicant justifies to the Administrator that the ec-  
17 onomic and social costs of applying such technology or  
18 other alternatives bear no reasonable relationship to the  
19 social and economic benefits (including water quality  
20 objectives) to be obtained, but in no case less than a min-  
21 imum of secondary treatment or its equivalent;

22       “(B) such discharge will comply with any appli-  
23 cable standard of performance under section 306; and

24       “(C) such discharge will comply with any appli-  
25 cable prohibition or effluent standard under section 307.

1       “(2)(A) Before issuing any permit under this section  
 2       the Administrator shall, in addition to any appropriate de-  
 3       termination under paragraph (1) of this subsection, estab-  
 4       lish and apply guidelines for determining the degradation of  
 5       such waters, which such guidelines shall include among  
 6       others:

7               “(i) the effect of a discharge on human health or wel-  
 8       fare, including but not limited to plankton, fish, shell-  
 9       fish, wildlife, shorelines, and beaches;

10              “(ii) the effect of discharge on marine ecosystems  
 11       including the transfer, concentration and dispersal of  
 12       pollutants or their byproducts through biological, physi-  
 13       cal, and chemical processes; changes in marine ecosystem  
 14       diversity, productivity, and stability; and species and  
 15       community population changes;

16              “(iii) the effect of discharge on esthetic, recreation,  
 17       and economic values;

18              “(iv) the persistence or permanence of the effects of  
 19       the discharge;

20              “(v) the effect of discharge of particular volumes  
 21       and concentrations of pollutants;

22              “(vi) other possible locations and methods of disposal  
 23       or recycling of pollutants including land-based alter-  
 24       natives; and

“(vii) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

“(B) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to clause (A) of this paragraph the Administrator shall not issue a permit.

"(C) The Administrator shall deny, partially or entirely, the issuance of permits for discharge of any pollutant or pollutants where he finds that such pollutant or pollutants are toxic.

*“(3) Any permit issued under this subsection shall be subject to modification at any time and shall be reviewed and, if appropriate, revised every three years.*

"(5) Any permit issued to a municipality under this section shall be conditioned upon a covenance to the grantor of the right to proceed directly against any users of such works in the event of a violation of the terms of such permit without prejudice to the rights of the municipality; and further provide that a municipality shall not allow any new discharge into such treatment works until such time as the conditions causing the violations have been corrected.

#### <sup>64</sup>TRANSFER OF AUTHORITY

"SEC. 403. (a) The President may, at any time, transfer all functions, powers, and duties of the Secretary of the Army and other officers and offices of the Department of the Army

1 *under section 13 of the Act of March 3, 1899, as amended,*  
 2 *“(b) So much of the personnel, property, records, and*  
 3 *unexpended balances of appropriations, allocations, and other*  
 4 *funds employed, used, held, available, or to be made available*  
 5 *in connection with functions transferred pursuant to this sub-*  
 6 *section as the Director of the Office of Management and*  
 7 *Budget shall determine shall be transferred at such time or*  
 8 *times as the Director shall direct.”*

#### TITLE V—GENERAL PROVISIONS

Sec. 501. Administration.

Sec. 502. Definitions.

Sec. 503. Water Pollution Control Advisory Board.

Sec. 504. Emergency powers.

Sec. 505. Citizen suits.

Sec. 506. Appearance.

Sec. 507. Employee protection.

Sec. 508. Federal procurement.

Sec. 509. General provisions relating to administrative proceedings and  
judicial review.

Sec. 510. Retention of State authority.

Sec. 511. Other authority not affected.

Sec. 512. Separability.

Sec. 513. Labor standards.

Sec. 514. Reports to Congress.

Sec. 515. Appropriations.

Sec. 516. Short title.

9

#### ADMINISTRATION

10 SEC. 22. (a) The Federal Water Pollution Control  
 11 Act is amended to add a new title V.

12 (b) Section 22 of the Federal Water Pollution Control  
 13 Act is redesignated as section 501.

14 (c) Section 501, as redesignated, is further amended—

15 (1) by striking “Secretary” wherever it appears  
 16 and inserting “Administrator”;

(2) by striking "Department of the Interior" wherever it appears and inserting "Environmental Protection Agency"; and

(3) adding a new section (g) at the end thereof as follows:

*"(g) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.*

(d) Section 23 of the Federal Water Pollution Control Act is redesignated as section 502.

(e) Section 502, as redesignated, is further amended to read as follows:

#### "DEFINITIONS

"Sec. 502. When used in this Act:

"(a) The term 'State water pollution control agency' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

"(b) The term 'interstate agency' means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial

1 powers or duties pertaining to the control of pollution of  
2 waters.

3 “(c) The term ‘State’ means a State, the District of  
4 Columbia, the Commonwealth of Puerto Rico, the Virgin  
5 Islands, Guam, American Samoa, and the Trust Territory  
6 of the Pacific Islands.

7 “(d) The term ‘municipality’ means a city, town, bor-  
8 ough, county, parish, district, association, or other public  
9 body created by or pursuant to State law and having juris-  
10 diction over disposal of sewage, industrial wastes, or other  
11 wastes, and an Indian tribe or an authorized Indian tribal  
12 organization.

13 “(e) The term ‘person’ means an individual, corpora-  
14 tion, partnership, association, State, municipality, commis-  
15 sion, or political subdivision of a State, or any interstate body.

16 “(f) The term ‘pollutant’ means any matter of any kind  
17 or description including, but not limited to, dredged spoil,  
18 solid waste, incinerator residue, sewage, garbage, sewage  
19 sludge, munitions, chemical materials, biological materials,  
20 radioactive materials, heat, wrecked or discarded equipment,  
21 rock, sand, cellar dirt and industrial waste, provided it does  
22 not mean (1) ‘oil’ within the description of section 311;  
23 (2) ‘sewage from vessels’ within the meaning of section  
24 312; or (3) water and gas injected into wells on the prop-  
25 erty from which such water and gas were produced, or

1 water, gas, or other material obtained from any source pro-  
 2 vided it is used to facilitate the production of any petroleum  
 3 from such property.

4 “ (g) The term ‘interstate waters’ means all rivers, lakes,  
 5 and other waters that flow across or form a part of State  
 6 boundaries, including territorial seas and the Great Lakes.

7 “ (h) The term ‘intrastate waters’ means all navigable  
 8 waters or portions thereof and tributaries of such waters  
 9 within such State other than interstate waters.

10 “ (i) *The term ‘territorial seas’ means the belt of the seas*  
 11 *measured from the line of ordinary low water along that por-*  
 12 *tion of the coast which is in direct contact with the open sea*  
 13 *and the line marking the seaward limit of inland waters, and*  
 14 *extending seaward a distance of three miles.*

15 “ (j) The term ‘contiguous zone’ means the entire zone  
 16 established or to be established by the United States under  
 17 article 24 of the Convention on the Territorial Sea and the  
 18 contiguous zone.

19 “ (k) The term ‘ocean’ means any portion of the high  
 20 seas beyond the contiguous zone.

21 “ (l) The term ‘applicable water quality standard’  
 22 means a water use designation and those physical, chemical,  
 23 and biological characteristics of water quality which, for a  
 24 given body of interstate or intrastate water are required to  
 25 attain and maintain the uses established by a water use

1 designation, which have been approved or promulgated by  
2 the Administrator pursuant to section 302 or section 305  
3 of this Act.

4 “(m) The term ‘water use designation’ means the uses  
5 which are or shall be permitted and protected in interstate  
6 and intrastate waters.

7 “(n) The term ‘effluent limitation’ means the restric-  
8 tion established by States on quantities, rates, and concen-  
9 trations of physical, chemical, biological, and other con-  
10 stituents of effluents which are discharged from point sources  
11 into interstate or intrastate waters or the territorial sea.

12 “(o) The term ‘plan of implementation’ or ‘implemen-  
13 tation plan’ means an enforceable program for the achieve-  
14 ment and maintenance of water quality standards and shall  
15 include effluent limitations, schedules and timetables of  
16 compliance.

17 “(p) *The term ‘schedule and timetable for compliance’*  
18 *means a statement of details including the enforceable se-*  
19 *quence of actions or operations leading to compliance with an*  
20 *effluent limitation, prohibition, or effluent standard.*

21 “(p) The term ‘discharge’ means any addition of any  
22 pollutant to interstate or intrastate waters, whether such  
23 pollutant enters such waters directly or from runoff or perco-  
24 lation or the direct addition of any pollutant to the contiguous  
25 zone or the ocean.



“(q) The term ‘toxic pollutant’ means those pollutants, or combinations of pollutants, which upon exposure to any organism, or upon assimilation into any organism in concentrations of less than 1500 parts per million in any tissue, will cause adverse effects, including behaviorial, cancer, genetic mutations, physiological malfunctions including reproduction, and physical deformations on such organisms, including man, and shall include all organisms, including viruses, which cause adverse effects on organisms in receiving waters or on humans;

“(r) the term ‘biological monitoring’ shall mean the periodic sampling of organisms representative of levels of the food chain to observe (1) the accumulation of pollutants in living tissue and (2) the effects of pollutants on the health of organisms.”

#### WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 23. (a) Section 9 of the Federal Water Pollution Control Act is redesignated as section 503.

(b) Section 503, as redesignated, is further amended (1) by striking “Secretary” wherever it appears and inserting “Administrator”; and (2) inserting the words “Department of the Interior” wherever it appears and inserting “Environmental Protection Agency”.

SEC. 24. Title V of the Federal Water Pollution Control Act, as added by section 22 of this Act, is further amended to add seven new sections as follows:

## "EMERGENCY POWERS

"SEC. 504. (a) Upon receipt of evidence that a pollution source or combination of sources, including moving sources, is presenting an imminent or substantial endangerment to the health of persons, the Administrator shall issue orders requiring immediate abatement of any source of water pollution related to such endangerment.

"(b) Upon receipt of evidence that a pollution source or combination of sources, including moving sources, may present a substantial economic injury to persons because of their inability to market shellfish or shellfish products in commerce because of pollution from such sources, the Administrator shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which the persons owning, leasing, or otherwise controlling such source is located or resides or is doing business.

## "CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b), any person may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be

in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

“(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be and to apply any appropriate civil penalties under section 309 of this Act.

“(b) No action may be commenced—

“(1) under subsection (a) (1) —

“(A) prior to forty-five days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

“(B) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any person may intervene as a matter of right.

1           “(2) under subsection (a) (2) prior to forty-five  
2       days after the plaintiff has given notice of such action to  
3       the Administrator, except that such action may be  
4       brought immediately after such notification in the case of  
5       an action under this section respecting a violation of sec-  
6       tion 306, section 307, or operating without a permit or  
7       in violation of a permit under section 402, or an order  
8       issued by the Administrator pursuant to section 309.  
9       Notice under this subsection shall be given in such man-  
10      ner as the Administrator shall prescribe by regulation.

11      “(c) (1) Any action respecting a violation by a dis-  
12      charge source of an effluent standard or limitation or an order  
13      respecting such standard or limitation may be brought only  
14      in the judicial district in which such source is located.

15      “(2) In such action under this section, the Administra-  
16      tor, if not a party, may intervene as a matter of right.

17      “(d) The court, in issuing any final order in any action  
18      brought pursuant to this section, shall award costs of litigation  
19      (including reasonable attorney and expert witness fees) to  
20      citizens or citizen groups in cases in which such citizens or  
21      citizen groups successfully maintain an action under subsec-  
22      tion (a) of this section. The court may award costs of litigation  
23      (including reasonable attorney and expert witness fees)  
24      to any party, whenever the court determines such award is  
25      appropriate. The court may, if a temporary restraining order

1 or preliminary injunction is sought, require the filing of a  
2 bond or equivalent security in accordance with the Federal  
3 Rules of Civil Procedure.

4 “(e) Nothing in this section shall restrict any right  
5 which any person (or class of persons) may have under  
6 any statute or common law to seek enforcement of any  
7 effluent standard or limitation or to seek any other relief  
8 (including relief against the Administrator or a State  
9 agency).

10 “(f) For purposes of this section, the term ‘effluent  
11 standard or limitation under this Act’ means a schedule or  
12 timetable of compliance, or effluent limitation under section  
13 303 or 304; standard of performance under section 306;  
14 prohibition or effluent standard under section 307; certifica-  
15 tion under section 401; or a prohibition or condition of any  
16 permit under section 402 which is in effect under this Act  
17 (including a requirement applicable by reason of section  
18 313) or under an applicable implementation plan.

19 “(g) A Governor of a State may commence a civil  
20 action (1) under subsection (a) without regard to the lim-  
21 itations of subsection (b) and (2) against the Adminis-  
22 trator where there is alleged a failure of the Administrator  
23 to enforce a violation of an effluent standard or limitation  
24 under this Act, occurring in another State causing an ad-  
25 verse effect on the health or welfare in his state or is caus-

1 ing a violation of water quality standards or implementation  
2 plans in his State.

3       “(h) Whenever a municipality is a party to a civil suit  
4 authorized under this section, the state of that municipality  
5 shall be joined as a party to the action and shall assume  
6 financial responsibility for any costs incurred as a result of  
7 any judgment against the municipality if the laws of that  
8 State limit the capacity of the municipality to raise revenues  
9 needed to pay costs required by such a judgment.

10                               “APPEARANCE

11       “Sec. 506. In any action instituted under this Act to  
12 which the Administrator is a party, attorneys appointed by  
13 the Administrator shall appear and represent him.

14                               “EMPLOYEE PROTECTION

15       “Sec. 507. (a) No person shall discharge, or in any  
16 other way discriminate against, or cause to be discharged or  
17 discriminated against any employee or any authorized rep-  
18 resentative of employees by reason of the fact that such  
19 employee or representative of any alleged violator has filed,  
20 instituted, or caused to be filed or instituted any proceeding  
21 under this Act, or has testified or is about to testify in any  
22 proceeding resulting from the administration or enforcement  
23 of the provisions of this Act.

24       “(b) Any employee or a representative of employees  
25 who believes that he has been discharged or otherwise dis-

1 criminated against by any person in violation of paragraph  
2 (1) of this subsection may within thirty days after such vio-  
3 lation occurs, apply to the Secretary of Labor for a review of  
4 such alleged discharge or discrimination. A copy of the appli-  
5 cation shall be sent to such person who shall be the respond-  
6 ent. Upon receipt of such application, the Secretary of Labor  
7 shall cause such investigation to be made as he deems appro-  
8 priate. Such investigation shall provide an opportunity for a  
9 public hearing at the request of any party to enable the parties  
10 to present information relating to such violation. The parties  
11 shall be given written notice of the time and place of the  
12 hearing at least five days prior to the hearing. Any such hear-  
13 ing shall be of record and shall be subject to section 554 of  
14 title 5 of the United States Code. Upon receiving the report  
15 of such investigation, the Secretary of Labor shall make find-  
16 ings of fact. If he finds that such violation did occur, he shall  
17 issue a decision, incorporating an order therein and his find-  
18 ings, requiring the party committing such violation to take  
19 such affirmative action to abate the violation as the Secretary  
20 of Labor deems appropriate, including, but not limited to,  
21 the rehiring or reinstatement of the employee or representa-  
22 tive of employees to his former position with compensation.  
23 If he finds that there was no such violation, he shall issue an  
24 order denying the application. Such order issued by the  
25 Secretary of Labor under this subparagraph shall be subject

1 to judicial review in the same manner as orders and decisions  
2 of the Administrator are subject to judicial review under this  
3 Act. Violations by any person of paragraph (1) of this sub-  
4 section shall be subject to the provisions of subsection (d) of  
5 this section.

6 " (c) Whenever an order is issued under this paragraph  
7 to abate such violation, at the request of the applicant, a sum  
8 equal to the aggregate amount of all costs and expenses (in-  
9 cluding the attorney's fees) as determined by the Secretary  
10 of Labor to have been reasonably incurred by the applicant  
11 for, or in connection with, the institution and prosecution of  
12 such proceedings, shall be assessed against the person com-  
13 mitting such violation.

14 " (d) *This section shall have no application to any em-*  
15 *ployee who, acting without direction from his employer (or*  
16 *his agent), deliberately violates any water quality standards*  
17 *of section 32, implementation plans of section 303, nonpoint*  
18 *control standards of section 304, national uniform standards*  
19 *of performance for new sources of section 306, toxic and pre-*  
20 *treatment effluent standards of section 307, or any other*  
21 *prohibitions or limitations of this Act.*

22 "FEDERAL PROCUREMENT

23 "SEC. 508. (a) No Federal agency may enter into any  
24 contract with any person who is convicted of any offense  
25 under section 309 for the procurement of goods, materials,



1 and services to perform such contract at any facility at which  
2 the violation which gave rise to such conviction occurred if  
3 such facility is owned, leased, or supervised by such person.  
4 The prohibition in the preceding sentence shall continue until  
5 the Administrator certifies that the condition giving rise to  
6 such a conviction has been corrected.

7 “ (b) The Administrator shall establish procedures to  
8 provide all Federal agencies with the notification necessary  
9 for the purposes of subsection (a).

10 “ (c) In order to implement the purposes and policy of  
11 this Act to protect and enhance the quality of the Nation's  
12 water, the President shall, not more than one hundred and  
13 eighty days after enactment of the National Water Quality  
14 Standards Act of 1971, cause to be issued an order (1)  
15 requiring each Federal agency authorized to enter into con-  
16 tracts and each Federal agency which is empowered to  
17 extend Federal assistance by way of grant, loan, or contract  
18 to effectuate the purpose and policy of this Act in such con-  
19 tracting or assistance activities, and (2) setting forth proce-  
20 dures, sanctions, penalties, and such other provisions, as the  
21 President determines necessary to carry out such require-  
22 ment.

23 “ (d) The President may exempt any contract, loan, or  
24 grant from all or part of the provisions of this section where  
25 he determines such exemption is necessary in the paramount

1 interest of the United States and he shall notify the Congress  
2 of such exemption.

3       “(c) The President shall annually report to the Con-  
4 gress on measures taken toward implementing the purpose  
5 and intent of this section, including, but not limited to, the  
6 progress and problems associated with implementation of  
7 this section.

8       “GENERAL PROVISIONS RELATING TO ADMINISTRATIVE  
9                               PROCEDURE AND JUDICIAL REVIEW

10       “SEC. 509. (a) In connection with any determination,  
11 or for purposes of obtaining information, under title III or IV  
12 of this Act, the Administrator may issue subpoenas for the at-  
13 tendance and testimony of witnesses and the production of  
14 relevant papers, books, and documents, and he may admin-  
15 ister oaths. Except for effluent data, upon a showing satisfac-  
16 tory to the Administrator by such owner or operator that  
17 such papers, books, documents, or information or particular  
18 part thereof, if made public, would divulge trade secrets or  
19 secret processes of such owner or operator, the Administrator  
20 shall consider such record, report, or information or particular  
21 portion thereof confidential in accordance with the purposes  
22 of section 1905 of title 18 of the United States Code, except  
23 that such paper, book, document, or information may be  
24 disclosed to other officers, employees, or authorized repre-  
25 sentatives of the United States concerned with carrying out

1 this Act, or when relevant in any proceeding under this Act.  
2 Witnesses summoned shall be paid the same fees and mileage  
3 that are paid witnesses in the courts of the United States.  
4 In case of contumacy or refusal to obey a subpoena served  
5 upon any person under this subparagraph, the district court  
6 of the United States for any district in which such person is  
7 found or resides or transacts business, upon application by  
8 the United States and after notice to such person, shall have  
9 jurisdiction to issue an order requiring such person to appear  
10 and give testimony before the Administrator, to appear and  
11 produce papers, books, and documents before the Adminis-  
12 trator, or both, and any failure to obey such order of the  
13 court may be punished by such court as a contempt thereof.

14 " (b) (1) A petition for review of action of the Adminis-  
15 trator in promulgating any prohibition, effluent standard, or  
16 standard of performance may be filed by any interested  
17 person only in the United States Court of Appeals for the  
18 District of Columbia. A petition for review of the Adminis-  
19 trator's action in approving or promulgating any State or  
20 interstate water quality standards or implementation plans  
21 including any effluent limitation or schedules for compliance  
22 therein, may be filed by any interested person only in the  
23 United States court of appeals for the appropriate circuit.  
24 Any such petition shall be within thirty days from the date  
25 of such promulgation or approval, or after such date if such

1 petition is based solely on grounds arising after such thirtieth  
2 day.

3 “(2) Action of the Administrator with respect to which  
4 review could have been obtained under paragraph (1) shall  
5 not be subject to judicial review in civil or criminal proceed-  
6 ings for enforcement.

7 “(c) In any judicial proceeding in which review is  
8 sought of a determination under this Act required to be  
9 made on the record after notice and opportunity for hearing,  
10 if any party applies to the court for leave to adduce addi-  
11 tional evidence, and shows to the satisfaction of the court  
12 that such additional evidence is material and that there were  
13 reasonable grounds for the failure to adduce such evidence  
14 in the proceeding before the Administrator, the court may  
15 order such additional evidence (and evidence in rebuttal  
16 thereof) to be taken before the Administrator, in such  
17 manner and upon such terms and conditions as the court  
18 may deem proper. The Administrator may modify his find-  
19 ings as to the facts, or make new findings, by reason of the  
20 additional evidence so taken and he shall file such modified  
21 or new findings, and his recommendation, if any, for the  
22 modification or setting aside of his original determination,  
23 with the return of such additional evidence.

24 “RETENTION OF STATE AUTHORITY

25 “SEC. 510. Nothing in this Act or in any other Federal

1 *law* shall preclude or deny the right of any State or political  
 2 subdivision thereof to adopt or enforce (1) any standard or  
 3 limitation respecting effluents of water pollutants or con-  
 4 limitations of such pollutants, or (2) any requirement respect-  
 5 ing control or abatement of water pollution; except that if  
 6 an effluent limitation, effluent standard, or prohibition, or  
 7 standard of performance is in effect under an applicable  
 8 implementation plan or under section 306 or section 307 of  
 9 this Act, such State or political subdivision may not adopt or  
 10 enforce any effluent limitation, effluent standard, or prohibi-  
 11 tion, or standard of performance which is less stringent than  
 12 the effluent limitation, effluent standard, or prohibition, or  
 13 standard of performance under such plan or section."

14 SEC. 25. (a) Section 25 of the Federal Water Pollution  
 15 Control Act is redesignated as section 511.

16 (b) Section 511, as redesignated, is further amended  
 17 to read as follows:

18 "OTHER AUTHORITY AFFECTED

19 "SEC. 511. (a) This Act shall not be construed as (1)  
 20 limiting the authority or functions of any officer or agency of  
 21 the United States under any other law or regulation not in-  
 22 consistent with this Act; (2) affecting or impairing the au-  
 23 thority of the Secretary of Army (i) to maintain navigation  
 24 or (ii) under section 10 of the Rivers and Harbors Act of  
 25 1899; *except that any certification under section 401 or per-*

1 mit under section 402 shall be conclusive as to the effect on  
 2 water quality of any discharge resulting from any activity  
 3 subject to section 10 of the Rivers and Harbors Act, or, (3)  
 4 affecting or impairing the provisions of any treaty of the  
 5 United States.

6 “(b) The consultation and coordination requirements of  
 7 the Act of March 10, 1934, as amended, 16 U.S.C. 661, et  
 8 seq. shall apply under this Act only to the provisions of (1)  
 9 subsections (d) and (f) of section 301; (2) the approval  
 10 of implementation plans under paragraph (2) subsection  
 11 (a) of section 303; (3) section 306; and (4) the estab-  
 12 lishment of guidelines under subsection (b) of section 402.

13 “(c) The requirements of the National Environmental  
 14 Policy Act, 83 Stat. 852, shall be satisfied by the approval  
 15 of the Administrator of any matter considered under this  
 16 Act.”

#### 17 SEPARABILITY

18 (c) Section 25 of the Federal Water Pollution Control  
 19 Act is redesignated as section 512.

#### 20 LABOR STANDARDS

21 Sec. 26, Title V of the Federal Water Pollution Control  
 22 as added by this Act is further amended to add a new section  
 23 513 as follows:

24 “Sec. 513. The Administrator shall take such action as  
 25 may be necessary to insure that all laborers and mechanics

1 employed by contractors or subcontractors on treatment  
 2 works for which grants are made under this Act or by other  
 3 contractors or grantees under this Act shall be paid wages  
 4 at rates not less than those prevailing for the same type of  
 5 work on construction in the immediate locality, as determined  
 6 by the Secretary of Labor, in accordance with the Act of  
 7 March 3, 1931, as amended, known as the Davis-Bacon  
 8 Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a-5),  
 9 and the Secretary of Labor shall establish effective safety  
 10 standards for the protection of such laborers and mechanics.  
 11 The Secretary of Labor shall have, with respect to the labor  
 12 standards specified in this subsection, the authority and func-  
 13 tions set forth in Reorganization Plan Numbered 14 of 1950  
 14 (15 F.R. 3176) and section 2 of the Act of June 13, 1934,  
 15 as amended (48 Stat. 948; 40 U.S.C. 276c)."

16       SEC. 27. (a) Section 26 of the Federal Water Pollution  
 17 Control Act is redesignated as section 514.

18       (b) Section 514, as redesignated, is further amended to  
 19 read as follows:

20                       "REPORTS TO CONGRESS

21       "SEC. 514. (a) Within ninety days following the con-  
 22 vening of each session of Congress, the Administrator shall  
 23 submit to the Congress a report in addition to any other  
 24 report required by this Act, on measures taken toward imple-  
 25 menting the purpose and intent of this Act, including, but not

1 limited to, (1) the progress and problems associated with de-  
 2 veloping comprehensive plans, including river basin plans un-  
 3 der section 305; (2) a summary of actions taken and results  
 4 achieved in the field of water pollution control research,  
 5 experiments, studies, and related matters by the Adminis-  
 6 trator and other Federal agencies and by other persons  
 7 and agencies under Federal grants or contracts; (3) the  
 8 progress and problems associated with the development of  
 9 water quality standards and effluent requirements and recom-  
 10 mended control techniques; (4) the status of State water  
 11 quality standards, including a detailed summary of the  
 12 progress obtained as compared to that planned under State  
 13 plans for implementation, maintenance, and enforcement of  
 14 water quality standards; (5) the identification and status  
 15 of enforcement actions pending or completed under such Act  
 16 during the preceding year; (6) the status of State, inter-  
 17 state, and local pollution control programs established pur-  
 18 suant to, and assisted by, this Act; (7) a summary of the  
 19 results of a survey to be taken by the Administrator annually  
 20 to determine the efficiency of the operation and maintenance  
 21 of treatment works constructed with grants under this Act,  
 22 as compared to the efficiency planned when such grant was  
 23 made; and (8) all reports and recommendations made by  
 24 the Water Pollution Control Advisory Board.

25       “(b) The Administrator, in cooperation with State



1 water pollution control agencies and other water pollution  
 2 control planning agencies, shall make (1) a detailed esti-  
 3 mate of the cost of carrying out the provision of this Act;  
 4 (2) a comprehensive study of the economic impact on  
 5 affected units of government of the cost of installation of  
 6 treatment facilities; and (3) a comprehensive analysis of  
 7 the national requirements for and the cost of treating munici-  
 8 pal, industrial, and other effluent to attain such water quality  
 9 standards as established pursuant to this Act or applicable  
 10 State law. The Administrator shall submit such detailed esti-  
 11 mate and such comprehensive study of such cost to the Con-  
 12 gress no later than January 10, 1968, such study to be  
 13 updated each year thereafter."

#### 14 APPROPRIATIONS

15 SEC. 28. Title V of the Federal Water Pollution Con-  
 16 trol Act as added by this Act is further amended to add a  
 17 new section 515 as follows:

18 "SEC. 515. There are authorized to be appropriated to  
 19 carry out this Act, other than sections 105, 106, 207, and  
 20 311, \$ for the fiscal year ending June 30, 1972,  
 21 \$ for the fiscal year ending June 30, 1973,  
 22 \$ for the fiscal year ending June 30, 1974, and  
 23 \$ for the fiscal year ending June 30, 1975."

#### 24 SHORT TITLE

25 SEC. 29. Section 27 of the Federal Water Pollution  
 26 Control Act is redesignated as section 516.

[COMMITTEE PRINT]

APRIL 3, 1971

99<sup>th</sup> CONGRESS  
1st Session

**S.**

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**A BILL**

To amend the Federal Water Pollution Control  
Act, as amended.

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